

Second Regular Session 117th General Assembly (2012)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2011 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1002

AN ACT to amend the Indiana Code concerning state offices and administration and to make an appropriation.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 2-5-1.2-1, AS AMENDED BY HEA 1009-2012, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) Except as provided in subsection (b) or otherwise in this article, this chapter applies to all committees established under this article.

(b) This chapter does not apply to the following:

(1) The legislative council and code revision commission (IC 2-5-1.1).

**(2) The public officers compensation advisory commission (IC 2-5-1.6).**

~~(2)~~ **(3)** The commission on interstate cooperation (IC 2-5-2).

~~(3)~~ **(4)** The commission on state tax and financing policy (IC 2-5-3).

~~(4)~~ **(5)** The natural resources study committee (IC 2-5-5).

~~(5)~~ **(6)** The pension management oversight commission (IC 2-5-12).

~~(6)~~ **(7)** The probate code study commission (IC 2-5-16).

~~(7)~~ **(8)** The administrative rules oversight committee (IC 2-5-18).

~~(8)~~ **(9)** The census data advisory committee (IC 2-5-19).

~~(9)~~ **(10)** The commission on military and veterans affairs (IC 2-5-20).

HEA 1002 — Concur+



C  
o  
p  
y

- ~~(+0)~~ **(11)** A committee covered by IC 2-5-21.
- ~~(+1)~~ **(12)** The health finance commission (IC 2-5-23).
- ~~(+2)~~ **(13)** The water resources study committee (IC 2-5-25).
- ~~(+3)~~ **(14)** The select joint commission on Medicaid oversight (IC 2-5-26).
- ~~(+4)~~ **(15)** The commission on developmental disabilities (IC 2-5-27.2).
- ~~(+5)~~ **(16)** The youth advisory council (IC 2-5-29).
- ~~(+6)~~ **(17)** The unemployment insurance oversight committee (IC 2-5-30).
- ~~(+7)~~ **(18)** The criminal law and sentencing policy study committee (IC 2-5-33.4).

SECTION 2. IC 2-5-1.6 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 1.6. Public Officers Compensation Advisory Commission**

**Sec. 1.** As used in this chapter, "commission" refers to the public officers compensation advisory commission established by section 6 of this chapter.

**Sec. 1.5.** As used in this chapter, "compensation" refers to all of the following elements of compensation:

- (1)** Salary.
- (2)** Deferred compensation.
- (3)** Health, vision, and dental insurance.
- (4)** Pension and other retirement benefits.
- (5)** Any other:
  - (A)** amount paid to an individual; or
  - (B)** benefit provided to an individual;
 to compensate the individual for services provided as a public officer.

**Sec. 1.7.** As used in this chapter, "compensation value" means the dollar value of all elements of compensation for a public officer.

**Sec. 2.** As used in this chapter, "growth rate" refers to the rate of change in Indiana nonfarm income determined by the Bureau of Economic Analysis of the United States Department of Commerce.

**Sec. 3.** As used in this chapter, "political subdivision" has the meaning set forth in IC 36-1-2-13.

**Sec. 4.** As used in this chapter, "public employee" refers to any of the following:

- (1)** An employee of the state.
- (2)** An employee of a political subdivision.



- (3) An employee of any other entity whose salary is paid in any part from funds derived from taxes imposed by the state or a political subdivision.

**Sec. 5.** As used in this chapter, "public officer" refers to any of the following:

- (1) The governor.
- (2) The lieutenant governor.
- (3) The secretary of state.
- (4) The auditor of state.
- (5) The treasurer of state.
- (6) The attorney general.
- (7) The state superintendent of public instruction.
- (8) A justice of the supreme court of Indiana.
- (9) A judge of the court of appeals of Indiana.
- (10) A judge of the Indiana tax court.
- (11) A judge of a circuit, superior, or probate court.
- (12) A member of the general assembly.

**Sec. 6.** There is established the public officers compensation advisory commission.

**Sec. 7. (a)** The commission consists of the following members:

- (1) Two (2) members appointed by the speaker of the house of representatives. The members appointed under this subdivision may not be members of the same political party.
- (2) Two (2) members appointed by the president pro tempore of the senate. The members appointed under this subdivision may not be members of the same political party.
- (3) Two (2) members appointed by the governor. The members appointed under this subdivision may not be members of the same political party.
- (4) Two (2) members appointed by the chief justice of the supreme court of Indiana. The members appointed under this subdivision may not be members of the same political party.
- (5) One (1) member appointed by the chief judge of the court of appeals of Indiana.

**(b)** The following may not be a commission member:

- (1) A public officer.
- (2) A public employee.
- (3) An individual who has a pecuniary interest in the salary of a public officer. For purposes of this subdivision, an individual has a pecuniary interest in the salary of a public officer if an increase in the salary of a public officer will result in an ascertainable increase in the income or net worth of the

C  
o  
p  
y



individual.

**Sec. 8. (a)** The term of a commission member begins on the later of the following:

- (1) July 1 after the member is appointed.
- (2) The day the member accepts the member's appointment.

(b) The term of a commission member expires on July 1 of the fourth year after the year the member's term begins.

(c) A member may be reappointed to serve a new term.

**Sec. 9. (a)** If there is a vacancy on the commission, the public officer who appointed the member whose position is vacant shall appoint an individual to fill the vacancy.

(b) The member appointed under this section shall fill the vacancy for the remainder of the unexpired term.

**Sec. 10. (a)** Before July 1 of each odd-numbered year, the chairman of the legislative council shall appoint one (1) member to be chair of the commission.

(b) The member appointed as chair of the commission serves as chair beginning July 1 after appointment.

(c) A member of the commission may be reappointed as chair of the commission.

**Sec. 11.** Five (5) commission members constitute a quorum. The affirmative votes of at least five (5) commission members are necessary for the commission to take official action other than to adjourn or to meet to hear reports or testimony.

**Sec. 12.** The commission shall meet at the call of the chair and at other times as the commission considers necessary.

**Sec. 13.** Each member of the commission is entitled to the following:

- (1) The salary per diem provided under IC 4-10-11-2.1(b).
- (2) Reimbursement for traveling expenses as provided under IC 4-13-1-4.
- (3) Other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

**Sec. 14.** The legislative services agency shall provide administrative support for the commission. At the request of the legislative services agency, the state personnel department or the Indiana judicial center established by IC 33-38-9-4 shall assign staff to provide research and other support to assist the legislative services agency in providing administrative support to the commission.



C  
O  
P  
Y

**Sec. 15.** The legislative services agency may contract with consultants on behalf of the commission, as the commission considers necessary, to implement this chapter.

**Sec. 16.** Except as otherwise provided by this chapter, the commission is subject to the rules of the legislative council.

**Sec. 17.** The commission shall make reports to the general assembly as required by this chapter or by the legislative council. The reports to the legislative council must be in an electronic format under IC 5-14-6.

**Sec. 18.** The commission shall meet at least one (1) time not later than July 1 of each even-numbered year to do the following:

- (1) For each public officer listed in section 5 of this chapter, determine the most recent year that the compensation value for the public officer increased.
- (2) Receive information relating to the compensation of public officers.
- (3) Consider recommendations for suitable compensation for public officers.
- (4) Take testimony relating to the compensation of public officers.

**Sec. 19. (a)** Not later than September 1 of each even-numbered year, the commission shall make written recommendations to the:

- (1) legislative council; and
- (2) budget committee;

concerning suitable elements of compensation for public officers. The recommendations to the legislative council must be in an electronic format under IC 5-14-6.

**(b)** When making recommendations, the commission shall do the following:

- (1) Make a separate recommendation of compensation value, which may include a recommendation for no adjustment of compensation value, for each separate public officer listed in section 5 of this chapter. The commission may not recommend an increase in the compensation value for a public officer to an amount that exceeds the compensation value the public officer would receive if the compensation value for the public officer increased each year since the most recent year the public officer received an increase in compensation value by the growth rate for each respective year.
- (2) Recommend maintaining or abolishing existing elements of compensation or establishing new elements of compensation.

C  
O  
P  
Y



(3) Recommend a compensation plan that enables an individual who is a public officer to select elements of compensation to meet the individual's own circumstances while ensuring that individuals who hold the same public office receive compensation of equal compensation value.

(4) Make other recommendations the commission considers useful to provide suitable compensation for public officers.

**Sec. 20.** For purposes of this chapter, a health care adjustment under IC 33-38-5-8.2 is considered part of the compensation of a public officer who is a judicial officer.

**Sec. 21.** A commission recommendation does not take effect unless enacted by the general assembly.

**Sec. 22.** There is annually appropriated to the legislative services agency from the state general fund money necessary for the operation of the commission.

**Sec. 23.** Notwithstanding IC 1-1-1-8, the provisions of this chapter are not severable.

SECTION 3. IC 4-4-9.7-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8: The director shall establish a board to advise the office in the implementation of the duties of the office.~~

SECTION 4. IC 4-4-31.4 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Native American Indian Affairs Commission).

SECTION 5. IC 4-12-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Tobacco Farmers and Rural Community Impact Fund).

SECTION 6. IC 4-21.5-7-3, AS AMENDED BY P.L.99-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The office of environmental adjudication is established to review, under this article, agency actions of the department of environmental management, actions of a board described in IC 13-14-9-1, and challenges to rulemaking actions by a board described in IC 13-14-9-1 made pursuant to IC 4-22-2-44 or IC 4-22-2-45.

(b) The office of environmental adjudication shall:

(1) conduct adjudicatory hearings required to implement:

(A) air pollution control laws (as defined in IC 13-11-2-6), water pollution control laws (as defined in IC 13-11-2-261), environmental management laws (as defined in IC 13-11-2-71), and IC 13-19;

(B) **rules of the board (as defined in IC 13-13-8-1) and the financial assurance board; and**

~~(i) the air pollution control board;~~

~~(ii) the water pollution control board;~~



(iii) ~~the solid waste management board; and~~

(iv) ~~the financial assurance board; and~~

(C) agency action of the department of environmental management; and

(2) notify a board referred to in subdivision (1)(B) of a final order of the office of environmental adjudication that interprets:

(A) a rule of the board; or

(B) a statute under which a rule of the board is authorized.

SECTION 7. IC 4-22-2-28.1, AS AMENDED BY P.L.110-2010, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28.1. (a) This section applies to the following:

(1) A rule for which the notice required by section 23 of this chapter or by IC 13-14-9-3 is published by an agency or ~~by any of the boards (as defined in IC 13-11-2-18).~~ **board (as defined in IC 13-13-8-1).**

(2) A rule for which:

(A) the notice required by IC 13-14-9-3; or

(B) an appropriate later notice for circumstances described in subsection (g);

is published by the department of environmental management after June 30, 2006.

(b) As used in this section, "coordinator" refers to the small business regulatory coordinator assigned to a rule by an agency under subsection (e).

(c) As used in this section, "director" refers to the director or other administrative head of an agency.

(d) As used in this section, "small business" has the meaning set forth in IC 5-28-2-6.

(e) For each rulemaking action and rule finally adopted as a result of a rulemaking action by an agency under this chapter, the agency shall assign one (1) staff person to serve as the agency's small business regulatory coordinator with respect to the proposed or adopted rule. The agency shall assign a staff person to a rule under this subsection based on the person's knowledge of, or experience with, the subject matter of the rule. A staff person may serve as the coordinator for more than one (1) rule proposed or adopted by the agency if the person is qualified by knowledge or experience with respect to each rule. Subject to subsection (f):

(1) in the case of a proposed rule, the notice of intent to adopt the rule published under section 23 of this chapter; or

(2) in the case of a rule proposed by the department of

C  
o  
p  
y



environmental management or ~~any of the boards (as defined in IC 13-11-2-18)~~ **the board (as defined in IC 13-13-8-1)**, the notice published under IC 13-14-9-3 or the findings published under IC 13-14-9-8(b)(1), whichever applies;

must include the name, address, telephone number, and electronic mail address of the small business coordinator for the proposed rule, the name, address, telephone number, and electronic mail address of the small business ombudsman designated under IC 5-28-17-5, and a statement of the resources available to regulated entities through the small business ombudsman designated under IC 5-28-17-5. Subject to subsection (f), in the case of a rule finally adopted, the final rule, as published in the Indiana Register, must include the name, address, telephone number, and electronic mail address of the coordinator.

(f) This subsection applies to a rule adopted by the department of environmental management or ~~any of the boards (as defined in IC 13-11-2-18)~~ **the board (as defined in IC 13-13-8-1)** under IC 13-14-9. Subject to subsection (g), the department shall include in the notice provided under IC 13-14-9-3 or in the findings published under IC 13-14-9-8(b)(1), whichever applies, and in the publication of the final rule in the Indiana Register:

- (1) a statement of the resources available to regulated entities through the technical and compliance assistance program established under IC 13-28-3;
- (2) the name, address, telephone number, and electronic mail address of the ombudsman designated under IC 13-28-3-2;
- (3) if applicable, a statement of:
  - (A) the resources available to small businesses through the small business stationary source technical assistance program established under IC 13-28-5; and
  - (B) the name, address, telephone number, and electronic mail address of the ombudsman for small business designated under IC 13-28-5-2(3); and

- (4) the information required by subsection (e).

The coordinator assigned to the rule under subsection (e) shall work with the ombudsman described in subdivision (2) and the office of voluntary compliance established by IC 13-28-1-1 to coordinate the provision of services required under subsection (h) and IC 13-28-3. If applicable, the coordinator assigned to the rule under subsection (e) shall work with the ombudsman referred to in subdivision (3)(B) to coordinate the provision of services required under subsection (h) and IC 13-28-5.

- (g) If the notice provided under IC 13-14-9-3 is not published as

C  
o  
p  
y





allowed by IC 13-14-9-7, the department of environmental management shall publish in the notice provided under IC 13-14-9-4 the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3. If neither the notice under IC 13-14-9-3 nor the notice under IC 13-14-9-4 is published as allowed by IC 13-14-9-8, the department of environmental management shall publish in the commissioner's written findings under IC 13-14-9-8(b) the information that subsection (f) would otherwise require to be published in the notice under IC 13-14-9-3.

(h) The coordinator assigned to a rule under subsection (e) shall serve as a liaison between the agency and any small business subject to regulation under the rule. The coordinator shall provide guidance to small businesses affected by the rule on the following:

- (1) Any requirements imposed by the rule, including any reporting, record keeping, or accounting requirements.
- (2) How the agency determines or measures compliance with the rule, including any deadlines for action by regulated entities.
- (3) Any penalties, sanctions, or fines imposed for noncompliance with the rule.
- (4) Any other concerns of small businesses with respect to the rule, including the agency's application or enforcement of the rule in particular situations. However, in the case of a rule adopted under IC 13-14-9, the coordinator assigned to the rule may refer a small business with concerns about the application or enforcement of the rule in a particular situation to the ombudsman designated under IC 13-28-3-2 or, if applicable, under IC 13-28-5-2(3).

(i) The coordinator assigned to a rule under subsection (e) shall provide guidance under this section in response to questions and concerns expressed by small businesses affected by the rule. The coordinator may also issue general guidelines or informational pamphlets to assist small businesses in complying with the rule. Any guidelines or informational pamphlets issued under this subsection shall be made available:

- (1) for public inspection and copying at the offices of the agency under IC 5-14-3; and
- (2) electronically through electronic gateway access.

(j) The coordinator assigned to a rule under subsection (e) shall keep a record of all comments, questions, and complaints received from small businesses with respect to the rule. The coordinator shall deliver the record, along with any accompanying documents submitted by small businesses, to the director:

C  
o  
p  
y



- (1) not later than ten (10) days after the date on which the rule is submitted to the publisher under section 35 of this chapter; and
- (2) before July 15 of each year during which the rule remains in effect.

The coordinator and the director shall keep confidential any information concerning a small business to the extent that the information is exempt from public disclosure under IC 5-14-3-4.

(k) Not later than November 1 of each year, the director shall:

- (1) compile the records received from all of the agency's coordinators under subsection (j);
- (2) prepare a report that sets forth:
  - (A) the number of comments, complaints, and questions received by the agency from small businesses during the most recent state fiscal year, categorized by the subject matter of the rules involved;
  - (B) the number of complaints or questions reported under clause (A) that were resolved to the satisfaction of the agency and the small businesses involved;
  - (C) the total number of staff serving as coordinators under this section during the most recent state fiscal year;
  - (D) the agency's costs in complying with this section during the most recent state fiscal year; and
  - (E) the projected budget required by the agency to comply with this section during the current state fiscal year; and
- (3) deliver the report to the legislative council in an electronic format under IC 5-14-6 and to the small business ombudsman designated by IC 5-28-17-5.

SECTION 8. IC 4-22-2-28.2, AS ADDED BY P.L.239-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 28.2. (a) This section applies to a violation described in subsection (c) that occurs after June 30, 2005. However, in the case of a violation of a rule adopted under IC 13-14-9 by the department of environmental management or ~~any of the boards board~~ (as defined in ~~IC 13-11-2-18~~; **IC 13-13-8-1**), the procedures set forth in IC 13-30-4-3 and IC 13-30-7 apply instead of this section.

(b) As used in this section, "small business" has the meaning set forth in section 28.1(d) of this chapter.

(c) Except as provided in subsection (d), a small business that voluntarily provides notice to an agency of the small business's actual or potential violation of a rule adopted by the agency under this chapter is immune from civil or criminal liability resulting from an agency action relating to the violation if the small business does the following:



(1) Provides written notice of the violation to the agency not later than forty-five (45) days after the small business knew or should have known that the violation occurred.

(2) Corrects the violation within a time agreed to by the agency and the small business. However, the small business shall be given at least ninety (90) days after the date of the notice described in subdivision (1) to correct the violation. The small business may correct the violation at any time before the expiration of the period agreed to under this subdivision.

(3) Cooperates with any reasonable request by the agency in any investigation initiated in response to the notice.

(d) A small business is not immune from civil or criminal liability relating to a violation of which the small business provides notice under subsection (c) if any of the following apply:

(1) The violation resulted in serious harm or in imminent and substantial endangerment to the public health, safety, or welfare.

(2) The violation resulted in a substantial economic benefit that afforded the small business a clear advantage over the small business's competitors.

(3) The small business has a pattern of continuous or repeated violations of the rule at issue or any other rules of the agency.

(e) Information that a small business provides under this section, including actions and documents that identify or describe the small business, to an agency in providing notice of the small business's actual or potential violation of a rule adopted by the agency is confidential, unless a clear and immediate danger to the public health, safety, or welfare or to the environment exists. Information described in this subsection may not be made available for use by the agency for purposes other than the purposes of this section without the consent of the small business.

(f) Voluntary notice of an actual or a potential violation of a rule that is provided by a small business under subsection (c) is not admissible as evidence in a proceeding, other than an agency proceeding, to prove liability for the rule violation or the effects of the rule violation.

SECTION 9. IC 4-22-2-37.1, AS AMENDED BY P.L.229-2011, SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 37.1. (a) This section applies to a rulemaking action resulting in any of the following rules:

(1) An order adopted by the commissioner of the Indiana department of transportation under IC 9-20-1-3(d) or IC 9-21-4-7(a) and designated by the commissioner as an

C  
o  
p  
y



emergency rule.

(2) An action taken by the director of the department of natural resources under IC 14-22-2-6(d) or IC 14-22-6-13.

(3) An emergency temporary standard adopted by the occupational safety standards commission under IC 22-8-1.1-16.1.

(4) An emergency rule adopted by the ~~solid waste management~~ **environmental rules** board under IC 13-22-2-3 and classifying a waste as hazardous.

(5) A rule, other than a rule described in subdivision (6), adopted by the department of financial institutions under IC 24-4.5-6-107 and declared necessary to meet an emergency.

(6) A rule required under IC 24-4.5-1-106 that is adopted by the department of financial institutions and declared necessary to meet an emergency under IC 24-4.5-6-107.

(7) A rule adopted by the Indiana utility regulatory commission to address an emergency under IC 8-1-2-113.

(8) An emergency rule adopted by the state lottery commission under IC 4-30-3-9.

(9) A rule adopted under IC 16-19-3-5 or IC 16-41-2-1 that the executive board of the state department of health declares is necessary to meet an emergency.

(10) An emergency rule adopted by the Indiana finance authority under IC 8-21-12.

(11) An emergency rule adopted by the insurance commissioner under IC 27-1-23-7 or IC 27-1-12.1.

(12) An emergency rule adopted by the Indiana horse racing commission under IC 4-31-3-9.

(13) An emergency rule adopted by the ~~air pollution control board; the solid waste management board; or the water pollution control~~ **environmental rules** board under IC 13-15-4-10(4) or to comply with a deadline required by or other date provided by federal law, provided:

(A) the variance procedures are included in the rules; and

(B) permits or licenses granted during the period the emergency rule is in effect are reviewed after the emergency rule expires.

(14) An emergency rule adopted by the Indiana election commission under IC 3-6-4.1-14.

(15) An emergency rule adopted by the department of natural resources under IC 14-10-2-5.

(16) An emergency rule adopted by the Indiana gaming

C  
o  
p  
y



commission under IC 4-32.2-3-3(b), IC 4-33-4-2, IC 4-33-4-3, IC 4-33-4-14, IC 4-33-22-12, or IC 4-35-4-2.

(17) An emergency rule adopted by the alcohol and tobacco commission under IC 7.1-3-17.5, IC 7.1-3-17.7, or IC 7.1-3-20-24.4.

(18) An emergency rule adopted by the department of financial institutions under IC 28-15-11.

(19) An emergency rule adopted by the office of the secretary of family and social services under IC 12-8-1-12.

(20) An emergency rule adopted by the office of the children's health insurance program under IC 12-17.6-2-11.

(21) An emergency rule adopted by the office of Medicaid policy and planning under IC 12-15-41-15.

(22) An emergency rule adopted by the Indiana state board of animal health under IC 15-17-10-9.

(23) An emergency rule adopted by the board of directors of the Indiana education savings authority under IC 21-9-4-7.

(24) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-34 (repealed).

(25) An emergency rule adopted by the department of local government finance under IC 6-1.1-4-33 (repealed).

(26) An emergency rule adopted by the boiler and pressure vessel rules board under IC 22-13-2-8(c).

(27) An emergency rule adopted by the Indiana board of tax review under IC 6-1.1-4-37(l) (repealed) or an emergency rule adopted by the department of local government finance under IC 6-1.1-4-36(j) (repealed) or IC 6-1.1-22.5-20.

(28) An emergency rule adopted by the board of the Indiana economic development corporation under IC 5-28-5-8.

(29) A rule adopted by the department of financial institutions under IC 34-55-10-2.5.

(30) A rule adopted by the Indiana finance authority:

(A) under IC 8-15.5-7 approving user fees (as defined in IC 8-15.5-2-10) provided for in a public-private agreement under IC 8-15.5;

(B) under IC 8-15-2-17.2(a)(10):

(i) establishing enforcement procedures; and

(ii) making assessments for failure to pay required tolls;

(C) under IC 8-15-2-14(a)(3) authorizing the use of and establishing procedures for the implementation of the collection of user fees by electronic or other nonmanual means; or

C  
o  
p  
y



(D) to make other changes to existing rules related to a toll road project to accommodate the provisions of a public-private agreement under IC 8-15.5.

~~(31)~~ **An emergency rule adopted by the board of the Indiana health informatics corporation under IC 5-31-5-8.**

~~(32)~~ **(31)** An emergency rule adopted by the department of child services under IC 31-25-2-21, IC 31-27-2-4, IC 31-27-4-2, or IC 31-27-4-3.

~~(33)~~ **(32)** An emergency rule adopted by the Indiana real estate commission under IC 25-34.1-2-5(15).

~~(34)~~ **(33)** A rule adopted by the department of financial institutions under IC 24-4.4-1-101 and determined necessary to meet an emergency.

~~(35)~~ **(34)** An emergency rule adopted by the state board of pharmacy regarding returning unused medication under IC 25-26-23.

~~(36)~~ **(35)** An emergency rule adopted by the department of local government finance under IC 6-1.1-12.6 or IC 6-1.1-12.8.

~~(37)~~ **(36)** An emergency rule adopted by the office of the secretary of family and social services or the office of Medicaid policy and planning concerning the following:

(A) Federal Medicaid waiver program provisions.

(B) Federal programs administered by the office of the secretary.

(b) The following do not apply to rules described in subsection (a):

(1) Sections 24 through 36 of this chapter.

(2) IC 13-14-9.

(c) After a rule described in subsection (a) has been adopted by the agency, the agency shall submit the rule to the publisher for the assignment of a document control number. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(d) After the document control number has been assigned, the agency shall submit the rule to the publisher for filing. The agency shall submit the rule in the form required by section 20 of this chapter and with the documents required by section 21 of this chapter. The publisher shall determine the format of the rule and other documents to be submitted under this subsection.

(e) Subject to section 39 of this chapter, the publisher shall:

(1) accept the rule for filing; and



(2) electronically record the date and time that the rule is accepted.

(f) A rule described in subsection (a) takes effect on the latest of the following dates:

(1) The effective date of the statute delegating authority to the agency to adopt the rule.

(2) The date and time that the rule is accepted for filing under subsection (e).

(3) The effective date stated by the adopting agency in the rule.

(4) The date of compliance with every requirement established by law as a prerequisite to the adoption or effectiveness of the rule.

(g) Subject to subsection (h), IC 14-10-2-5, IC 14-22-2-6, IC 22-8-1.1-16.1, and IC 22-13-2-8(c), and except as provided in subsections (j), (k), and (l), a rule adopted under this section expires not later than ninety (90) days after the rule is accepted for filing under subsection (e). Except for a rule adopted under subsection (a)(13), (a)(24), (a)(25), or (a)(27), the rule may be extended by adopting another rule under this section, but only for one (1) extension period. The extension period for a rule adopted under subsection (a)(28) may not exceed the period for which the original rule was in effect. A rule adopted under subsection (a)(13) may be extended for two (2) extension periods. Subject to subsection (j), a rule adopted under subsection (a)(24), (a)(25), or (a)(27) may be extended for an unlimited number of extension periods. Except for a rule adopted under subsection (a)(13), for a rule adopted under this section to be effective after one (1) extension period, the rule must be adopted under:

(1) sections 24 through 36 of this chapter; or

(2) IC 13-14-9;

as applicable.

(h) A rule described in subsection (a)(8), (a)(12), (a)(19), (a)(20), (a)(21), (a)(29), or ~~(a)(37)~~ **(a)(36)** expires on the earlier of the following dates:

(1) The expiration date stated by the adopting agency in the rule.

(2) The date that the rule is amended or repealed by a later rule adopted under sections 24 through 36 of this chapter or this section.

(i) This section may not be used to readopt a rule under IC 4-22-2.5.

(j) A rule described in subsection (a)(24) or (a)(25) expires not later than January 1, 2006.

(k) A rule described in subsection (a)(28) expires on the expiration date stated by the board of the Indiana economic development corporation in the rule.

C  
o  
p  
y



(l) A rule described in subsection (a)(30) expires on the expiration date stated by the Indiana finance authority in the rule.

(m) A rule described in subsection (a)(5) or (a)(6) expires on the date the department is next required to issue a rule under the statute authorizing or requiring the rule.

SECTION 10. IC 4-23-2.5-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1: As used in this chapter, "board" refers to the Indiana arts commission trust fund board established by section 5 of this chapter.~~

SECTION 11. IC 4-23-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The Indiana arts commission trust fund is established to support the programs and the administrative budget of the commission.

(b) The fund consists of the following:

- (1) Appropriations of the general assembly from revenue sources determined by the general assembly and in an amount determined by the general assembly.
- (2) Donations to the fund from public or private sources.
- (3) Interest and dividends on assets of the fund.
- (4) Money transferred to the fund from other funds.
- (5) Fees from the Indiana arts trust license plate issued under IC 9-18-41.
- (6) Money from other sources that the **board commission** may acquire.

SECTION 12. IC 4-23-2.5-5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 5: The Indiana arts commission trust fund board is established.~~

SECTION 13. IC 4-23-2.5-6 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 6: The board consists of the following seven (7) voting members:~~

- ~~(1) The treasurer of state.~~
- ~~(2) Three (3) members appointed by the governor who are not members of the commission.~~
- ~~(3) Three (3) members of the commission appointed by the chairman of the commission.~~

SECTION 14. IC 4-23-2.5-7 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 7: The chairman of the commission shall designate one (1) of the chairman's appointees to the board as the chairman of the board.~~

SECTION 15. IC 4-23-2.5-8 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 8: The board shall meet at the call of the chairman of the board.~~





SECTION 16. IC 4-23-2.5-9 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 9: Four (4) voting members of the board constitute a quorum. The affirmative vote of four (4) members of the board is necessary for the board to take any action.

SECTION 17. IC 4-23-2.5-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 10: (a) The term of a board member begins on the later of the following:

(1) The day the term of the member whom the individual is appointed to succeed expires.

(2) The day the individual is appointed.

(b) The term of a member expires July 1 of the second year after the member is appointed. However, a member serves at the pleasure of the appointing authority.

(c) The appointing authority may reappoint a member for a new term.

(d) The appointing authority shall appoint an individual to fill a vacancy among the members.

SECTION 18. IC 4-23-2.5-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 11: (a) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the board who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 19. IC 4-23-2.5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 12. (a) The **board commission** shall manage and develop the fund and the assets of the fund.

(b) The **board commission** shall do the following:

(1) Establish a policy for the investment of assets of the fund.

(2) Acquire money for the fund through the solicitation of private or public donations and other revenue producing activities.

(3) Perform other tasks consistent with prudent management and development of the fund.

SECTION 20. IC 4-23-2.5-13 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 13. (a) Subject to the investment policy of the ~~board~~, **commission**, the treasurer of state shall administer the fund and invest the money in the fund.

(b) The expenses of administering the fund and this chapter shall be paid from the fund.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the fund.

SECTION 21. IC 4-23-2.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 16. Before October 1 of each year, the ~~board~~ **commission** shall prepare a report concerning the fund for distribution to the public and the general assembly. A report distributed under this section to the general assembly must be in an electronic format under IC 5-14-6.

SECTION 22. IC 4-23-7-30 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 30. (a) The ~~Indiana library and historical board~~ shall establish the council on library automation to:

(1) conduct ongoing planning activities for library automation in Indiana; and

(2) advance the automation goals of Indiana's libraries through the cooperation of the appropriate library agencies and organizations.

(b) The council on library automation consists of thirteen (13) members as follows:

(1) One (1) member from the Indiana library and historical board:

(2) Two (2) members from area library services authorities:

(3) Two (2) members from the Indiana cooperative library services authority:

(4) Two (2) members from the department of education:

(5) Two (2) members from the state educational institution library automation committee:

(6) Two (2) members from the Indiana state library:

(7) Two (2) members from public libraries:

(c) With regard to the members described in subsection (b)(1) through (b)(6), each respective entity or agency described in subsection (b)(1) through (b)(6) shall forward its nominees for appointment on the council to the Indiana library and historical board for confirmation:

(d) The Indiana library and historical board shall establish a process to select the members appointed under subsection (b)(7):

(e) Except as provided in subsection (f), the terms of office for council members is three (3) years:

(f) The Indiana library and historical board shall establish the

C  
o  
p  
y



procedures for the council; including staggering the terms for initial members of the council:

(g) The council may do the following:

- (1) Encourage planning by individual libraries and groups of libraries with regard to library automation:
- (2) Annually update and distribute the statewide library automation and resource sharing plan:
- (3) Submit to the state library board its recommendations concerning the adoption of library automation standards under IC 4-23-7.1-11(b):
- (4) Encourage library automation, resource sharing, and document delivery programs that are consistent with state technology strategies, educational programs, and economic interests:
- (5) Consult with appropriate agencies and organizations with an interest in library automation and resource sharing in Indiana:

(h) The council shall provide an annual report to the Indiana library and historical board on the council's activities and progress made towards meeting the goals in the statewide library automation and resource sharing plan. The council shall recommend to the Indiana library and historical board funding strategies that support the goals and initiatives contained in the statewide plan:

SECTION 23. IC 4-23-7.1-1, AS AMENDED BY P.L.1-2005, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter:

- (1) "Advisory council" refers to the Indiana state library advisory council established by section 39 of this chapter:
- (2) (1) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.
- (3) (2) "Board" means the Indiana library and historical board established by IC 4-23-7-2.
- (4) (3) "Department" means the Indiana library and historical department established by IC 4-23-7-1.
- (5) (4) "Director" means director of the Indiana state library.
- (6) (5) "Historical bureau" means the Indiana historical bureau established by IC 4-23-7-3.
- (7) (6) "Public library" has the meaning set forth in IC 36-12-1-5.
- (8) (7) "State library" means the Indiana state library established by IC 4-23-7-3.
- (9) (8) "Statewide library card program" refers to the program established by section 5.1 of this chapter.



SECTION 24. IC 4-23-7.1-11, AS AMENDED BY P.L.130-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 11. (a) The board ~~with the advice of the advisory council~~; shall establish operating standards and rules for libraries eligible to receive funds, either federal or state, under the provisions of any program for which the Indiana state library is the administrator. The Indiana state library shall monitor libraries eligible to receive funds or receiving funds to ascertain whether or not the standards and rules are being met.

(b) The board ~~with the advice of the council on library automation established under IC 4-23-7-30~~; shall establish library automation standards for libraries. The Indiana state library shall monitor compliance with the standards.

SECTION 25. IC 4-23-7.1-39 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 39. (a) ~~The Indiana state library advisory council is established for the purpose of advising the board and the state librarian concerning:~~

- (1) ~~general policies of the state library;~~
- (2) ~~plans or programs for library development and interlibrary cooperation;~~
- (3) ~~library research;~~
- (4) ~~professional development for librarians;~~
- (5) ~~standards and rules for library services;~~
- (6) ~~administration and distribution of state and federal funds; and~~
- (7) ~~other matters as requested by the board and the state librarian.~~

(b) ~~The advisory council consists of no fewer than fifteen (15) members.~~

(c) ~~The membership of the council must be broadly representative and comply with the requirements established by the federal Department of Education under 34 C.F.R. 770.~~

(d) ~~The board shall appoint the members of the council with nominations for appointment from library organizations and the state librarian.~~

(e) ~~Members of the advisory council shall serve two (2) year terms.~~

(f) ~~A member of the advisory council is not entitled to:~~

- (1) ~~the minimum salary per diem provided by IC 4-10-11-2.1(b);~~
- ~~or~~
- (2) ~~reimbursement from state funds for traveling expenses and other expenses actually incurred in connection with the member's duties.~~

SECTION 26. IC 4-23-25-9, AS AMENDED BY P.L.104-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C  
o  
p  
y



JULY 1, 2012]: Sec. 9. The ~~department of workforce development established by IC 22-4-1-2~~ **civil rights commission established by IC 22-9-1-4** shall provide staff and administrative support to the commission.

SECTION 27. IC 4-23-28-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) The ~~department of workforce development~~ **civil rights commission** shall provide staff and administrative support to the commission.

(b) The expenses of the commission shall be paid from appropriations made to the ~~department of workforce development~~ **civil rights commission**.

SECTION 28. IC 4-23-28-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) Funding for the commission shall be derived from funds appropriated to the ~~department of workforce development~~ **civil rights commission**.

(b) If money is appropriated under subsection (a), the money does not revert to the state general fund at the end of a state fiscal year but remains available to the ~~department of workforce development~~ **civil rights commission** until the purpose for which it was appropriated is fulfilled.

SECTION 29. IC 4-23-31 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 31. Commission on the Social Status of Black Males**

**Sec. 1. The 1992 interim study committee created by the legislative council, on the problems of black males, found that the following conditions exist:**

- (1) Statistical studies chronicling the status of black males in American society reveal startling and disturbing conditions and trends.**
- (2) By all indicia measuring achievement, success, and quality of life in American society, black males are facing a prodigious struggle for survival while fighting formidable opponents.**
- (3) Black males make up only five and one-half percent (5.5%) of the population of the United States but are the victims of forty-four percent (44%) of the nation's homicides annually and comprise forty-six percent (46%) of the nation's prison population.**
- (4) Statistics show that one (1) of every twenty-two (22) black males will die as a result of homicide and that one (1) of every six (6) black males will be arrested before becoming nineteen**



C  
o  
p  
y

(19) years of age.

(5) A major proportion of black males in America is virtually trapped in urban areas defined by poverty, violence, and drug abuse.

(6) Black males suffer from more debilitating health problems, a higher death rate, and a lower life expectancy than males in other ethnic and racial groups.

(7) Black females at least sixteen (16) years of age outnumber black males by more than two million (2,000,000).

(8) Between 1973 and 1988 the average real annual income for black males between twenty (20) and twenty-four (24) years of age fell by more than fifty percent (50%).

(9) The increasing misfortunes and the social distress bombarding black males in American society threaten the survival of black males.

**Sec. 2.** The commission on the social status of black males is established.

**Sec. 3.** The commission consists of nineteen (19) members appointed as follows:

(1) Two (2) members of the senate, who are not members of the same political party, appointed by the president pro tempore of the senate with the advice of the minority leader of the senate.

(2) Two (2) members of the house of representatives, who are not members of the same political party, appointed by the speaker of the house of representatives with the advice of the minority leader of the house of representatives.

(3) The director of the division of family resources or the director's designee.

(4) The director of the division of mental health and addiction or the director's designee.

(5) The commissioner of the state department of health or the commissioner's designee.

(6) The superintendent of public instruction or the superintendent's designee.

(7) The commissioner of the department of correction or the commissioner's designee.

(8) The director of the civil rights commission or the director's designee.

(9) The commissioner of the Indiana department of administration or the commissioner's designee.

(10) The lieutenant governor or the lieutenant governor's

C  
o  
p  
y



designee.

(11) A minority business person, appointed by the governor.

(12) Three (3) persons appointed by the president pro tempore of the senate who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

(13) Three (3) persons appointed by the speaker of the house of representatives who are not members of the general assembly. Not more than two (2) persons appointed under this subdivision may be members of the same political party.

Sec. 4. (a) A member of the commission may be removed at any time by the member's appointing authority.

(b) The appointing authority shall fill a vacancy on the commission by appointing a new member for the unexpired term.

(c) The terms of the legislative members expire at the election of the general assembly following the appointments.

Sec. 5. (a) At the first meeting of the commission each year, the members shall elect:

(1) one (1) member to be the commission's chairperson; and

(2) one (1) member to be the commission's vice chairperson.

(b) A vacancy in the office of chairperson or vice chairperson shall be filled by vote of the remaining members. The term of office of a person chosen to fill a vacancy expires at the first meeting of the commission the following year.

Sec. 6. (a) The commission shall make a systematic study of the following:

(1) The conditions described in section 1 of this chapter.

(2) The reasons for the existence of those conditions.

(b) The commission shall propose measures to alleviate and correct the underlying causes of the conditions described in section 1 of this chapter.

(c) The commission may study other topics suggested by the legislative council or as directed by the chairperson of the commission.

(d) The commission shall receive suggestions or comments pertinent to the issues that the commission studies from members of the general assembly, governmental agencies, public and private organizations, and private citizens.

Sec. 7. The civil rights commission shall provide staff and administrative support to the commission.

Sec. 8. The commission shall meet on call of the chairperson and at other times that the commission determines.



C  
o  
p  
y

**Sec. 9.** Eight (8) of the members of the commission is a quorum. The affirmative votes of at least eight (8) voting members of the commission are required for the commission to take final action.

**Sec. 10.** The commission shall issue an annual report stating the findings, conclusions, and recommendations of the commission. The commission shall submit the report to the governor and the legislative council. A report submitted under this section to the legislative council must be in an electronic format under IC 5-14-6.

**Sec. 11. (a)** Each member of the commission who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

**(b)** Each member of the commission who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

**(c)** Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees created by the legislative council.

**Sec. 12. (a)** The commission on the social status of black males special fund is established to provide money for special projects of the commission.

**(b)** The fund shall be administered by the treasurer of state.

**(c)** Expenses of administering the fund shall be paid from money in the fund.

**(d)** The fund consists of gifts, contributions, and money donated to the commission.

**(e)** The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

**(f)** Interest accrues to the fund.

**(g)** Money in the fund at the end of a state fiscal year does not revert to the state general fund.

**(h)** Money in the fund is appropriated continuously for the

C  
o  
p  
y





**purpose stated in subsection (a).**

SECTION 30. IC 4-23-32 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 32. Native American Indian Affairs Commission**

**Sec. 1.** As used in this chapter, "commission" refers to the Native American Indian affairs commission established by section 3 of this chapter.

**Sec. 2.** As used in this chapter, "Native American Indian" means an individual who is at least one (1) of the following:

- (1) An Alaska native as defined in 43 U.S.C. 1602(b).
- (2) An Indian as defined in 25 U.S.C. 450b(d).
- (3) A native Hawaiian as defined in 20 U.S.C. 7912(1).

**Sec. 3.** The Native American Indian affairs commission is established.

**Sec. 4. (a)** The commission consists of fifteen (15) voting members and two (2) nonvoting members. The voting members of the commission consist of the following:

- (1) Six (6) Native American Indians, each from a different geographic region of Indiana.
- (2) Two (2) Native American Indians who have knowledge in Native American traditions and spiritual issues.
- (3) The commissioner of the department of correction or the commissioner's designee.
- (4) The commissioner of the commission for higher education or the commissioner's designee.
- (5) The commissioner of the state department of health or the commissioner's designee.
- (6) The secretary of family and social services or the secretary's designee.
- (7) The director of the department of natural resources or the director's designee.
- (8) The state superintendent of public instruction or the superintendent's designee.
- (9) The commissioner of the department of workforce development or the commissioner's designee.

**(b)** The nonvoting members of the commission consist of the following:

- (1) One (1) member of the house of representatives appointed by the speaker of the house of representatives.
- (2) One (1) member of the senate appointed by the president pro tempore of the senate.



C  
o  
p  
y

(c) The governor shall appoint each Native American Indian member of the commission to a term of four (4) years, and any vacancy occurring shall be filled by the governor for the unexpired term. Before appointing a Native American Indian member to the commission, the governor shall solicit nominees from Indiana associations that represent Native American Indians in the geographic region from which the member will be selected. Not more than one (1) member may represent the same tribe or Native American Indian organization or association.

(d) A member of the commission may be removed by the member's appointing authority.

**Sec. 5.** The affirmative votes of at least eight (8) members of the commission are required for the commission to take any official action, including public policy recommendations and reports.

**Sec. 6. (a)** The civil rights commission established by IC 22-9-1-4 shall provide staff and administrative support for the commission.

(b) Expenses incurred under this chapter shall be paid from funds appropriated to the civil rights commission.

(c) The governor shall appoint a voting member of the commission to serve as the commission's chairperson.

**Sec. 7.** The commission shall study problems common to Native American Indian residents of Indiana in the areas of employment, education, civil rights, health, and housing. The commission may make recommendations to appropriate federal, state, and local governmental agencies concerning the following:

- (1) Health issues affecting Native American Indian communities, including data collection, equal access to public assistance programs, and informing health officials of cultural traditions relevant to health care.
- (2) Cooperation and understanding between the Native American Indian communities and other communities throughout Indiana.
- (3) Cultural barriers to the educational system, including barriers to higher education and opportunities for financial aid and minority scholarships.
- (4) Inaccurate information and stereotypes concerning Native American Indians, including the accuracy of educational curriculum.
- (5) Measures to stimulate job skill training and related workforce development, including initiatives to assist employers to overcome communication and cultural differences.



C  
o  
p  
y

**(6) Programs to encourage the growth and support of Native American Indian owned businesses.**

**(7) Public awareness of issues affecting the Native American Indian communities.**

**(8) Issues concerning preservation and excavation of Native American Indian historical and archeology sites, including reburial of Native American Indians.**

**(9) Measures that could facilitate easier access to state and local government services by Native American Indians.**

**Sec. 8. The commission may not study or make recommendations on the following issues:**

**(1) Negotiations between a tribe and the state or federal government concerning tribal sovereignty.**

**(2) Gaming on tribal land.**

SECTION 31. IC 5-2-6-3, AS AMENDED BY P.L.74-2010, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex or violent offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a

C  
o  
p  
y



public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Establish, maintain, and operate, subject to specific appropriation by the general assembly, a web site containing a list of properties (as defined in IC 5-2-6-19(b)) that have been used as the site of a methamphetamine laboratory.

(14) Develop and manage the gang crime witness protection program established by section 21 of this chapter.

(15) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(16) After December 31, 2008, administer the licensing of:

(A) commercial driver training schools; and

(B) instructors at commercial driver training schools.

(17) Administer any sexual offense services.

(18) Administer domestic violence programs.

(19) Administer assistance to victims of human sexual trafficking offenses as provided in IC 35-42-3.5-4.

(20) Administer the domestic violence prevention and treatment fund under IC 5-2-6.7.

(21) Administer the family violence and victim assistance fund under IC 5-2-6.8.

~~(22) Administer and provide staff support to the law enforcement, school policing, and youth work group under IC 5-2-6.9.~~

SECTION 32. IC 5-2-6.9 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Law Enforcement, School Policing, and Youth Work Group).

SECTION 33. IC 5-20-4-1 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 1: As used in this chapter, "advisory committee" refers to the affordable housing and community development fund advisory committee established by section 15 of this chapter.~~

SECTION 34. IC 5-20-4-15, AS AMENDED BY P.L.145-2006, SECTION 13, AND AS AMENDED BY P.L.181-2006, SECTION 39, IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 15: (a) The affordable housing and community development trust fund advisory committee is established:~~

~~(b) The advisory committee consists of sixteen (16) members to be appointed by the governor as follows:~~

~~(1) One (1) member of the office division of the secretary of family mental health and social services addiction.~~

~~(2) One (1) member of the Indiana economic development corporation division of family resources.~~



- (3) One (1) member to represent home builders of the division of disability, aging, and rehabilitative services.
- (4) One (1) member of the office of rural affairs established by IC 4-4-9.7-4 the lieutenant governor.
- (5) One (1) member to represent residential real estate developers.
- (6) One (1) member to represent construction trades.
- (7) One (1) member to represent mortgage lenders banks and other lending institutions.
- (8) One (1) member to represent the interests of persons with disabilities.
- (9) One (1) member to represent service providers.
- (10) Two (2) members to represent neighborhood groups.
- (11) One (1) member to represent low income families.
- (12) One (1) member to represent nonprofit community based organizations and community development corporations.
- (13) One (1) member to represent real estate brokers or salespersons.
- (14) One (1) member to represent the Indiana Apartment Owner's Association.
- (15) One (1) member to represent the manufactured housing industry.

At least three (3) members of the *advisory* committee shall be from a city with a population of less than thirty-five thousand (35,000); a town; or a rural area.

(c) Members of the advisory committee shall serve a term of three (3) years. However, the governor may remove for cause an appointed member of the advisory committee and fill vacancies of appointed members on the advisory committee.

(d) The advisory committee shall make recommendations to the *housing and community development* authority regarding:

- (1) the development of policies and procedures under section 14 of this chapter; and
- (2) long term sources to capitalize the *housing trust* fund; including the following:
  - (A) Revenue from development ordinances, fees, or taxes.
  - (B) Market based or private revenue.
  - (C) Revenue generated from government programs; foundations; private individuals; or corporations.

(e) The advisory committee shall prepare and present an annual report that:

- (1) describes disbursements under the *housing trust* fund; and
- (2) makes recommendations to the board of the *Indiana housing*



*and community development* authority regarding long term sources to capitalize the *housing trust* fund.

SECTION 35. IC 5-20-4-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 16: (a) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is also entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties; as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(b) Each member of the advisory committee who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties; as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

SECTION 36. IC 5-22-15-1, AS AMENDED BY P.L.79-2008, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. This chapter applies to the following:

- (1) A purchase of supplies under this article by any of the following:
  - (A) A governmental body.
  - (B) A state educational institution.
  - (C) An instrumentality of the state that performs essential governmental functions on either a statewide or local basis.
  - (D) The state lottery commission created by IC 4-30-3-1.

(2) A purchase made under IC 5-17-1.

~~(3) An offer to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5.~~

SECTION 37. IC 5-22-15-3, AS AMENDED BY P.L.79-2008, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. As used in this chapter, "adjusted offer" means the offer price of an offeror for

~~(1) preferred supplies or~~

~~(2) conducting an indoor air quality inspection and evaluation program under IC 16-41-37.5;~~

as determined under section 10 of this chapter.

SECTION 38. IC 5-22-15-5, AS AMENDED BY P.L.79-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. As used in this chapter, "price preference percentage" means the percentage preference provided by this chapter for ~~either of the following:~~

~~(1) A a specified kind or item of supplies.~~



(2) An offer to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5:

SECTION 39. IC 5-22-15-8, AS AMENDED BY P.L.79-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) An offeror who wants to claim a preference provided under this chapter for a given supply item must indicate in the offer what supply item in the offer is a preferred supply.

(b) An offeror who wants to claim a preference provided under this chapter to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5 must indicate in the offer that the indoor air quality inspection and evaluation program is subject to a price preference:

SECTION 40. IC 5-22-15-10, AS AMENDED BY P.L.79-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. (a) This section does not apply to an absolute preference.

(b) If an offeror offers a preferred supply for a given supply item, the purchasing agent shall compute an adjusted offer for that item according to the following formula:

STEP ONE: Determine the price preference percentage for the supply item under this chapter.

STEP TWO: Multiply the offeror's offer for the supply item by the percentage determined under STEP ONE.

STEP THREE: Subtract the number determined under STEP TWO from the offeror's offer for the supply item.

(c) If an offeror offers to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5, the purchasing agent shall compute an adjusted offer to conduct that indoor air quality inspection and evaluation program according to the following formula:

STEP ONE: Determine the price preference percentage for the indoor air quality inspection and evaluation program eligible to an offeror under section 20.7 of this chapter.

STEP TWO: Multiply the offeror's offer for the indoor air quality inspection and evaluation program by the percentage determined under STEP ONE:

STEP THREE: Subtract the number determined under STEP TWO from the offeror's offer to conduct the indoor air quality inspection and evaluation program:

SECTION 41. IC 5-22-15-20.7 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 20.7: (a) As used in this section, "Indiana business" has the meaning set forth in section 20.5 of this chapter.

(b) There is a price preference of ten percent (10%) for an Indiana

C  
o  
p  
y



business that submits an offer to conduct an indoor air quality inspection and evaluation program under IC 16-41-37.5:

SECTION 42. IC 5-22-21-7.5, AS AMENDED BY P.L.1-2006, SECTION 124, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7.5. (a) This section applies to surplus computer hardware that:

- (1) is not usable by a state agency as determined under section 6 of this chapter; and
- (2) has market value.

(b) As used in this section, "educational entity" refers to the following:

(1) a school corporation as defined in IC 36-1-2-17 or nonpublic schools as defined in IC 20-10.1-1-3 before July 1, 2005, or IC 20-18-2-12.

(2) The corporation for educational technology described in IC 20-10.1-25.1 before July 1, 2005, or IC 20-20-15.

(c) As used in this section, "market value" means the value of the property is more than the estimated costs of sale and transportation of the property.

(d) Surplus computer hardware available for sale may, under the policies prescribed by the budget agency, be offered to an educational entity.

SECTION 43. IC 5-28-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Steel Industry).

SECTION 44. IC 5-28-17-1, AS AMENDED BY P.L.87-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The corporation shall do the following to carry out this chapter:

(1) Contribute to the strengthening of the economy of Indiana by encouraging the organization and development of new business enterprises, including technologically oriented enterprises.

(2) Submit an annual report to the governor and to the general assembly not later than November 1 of each year. The annual report must:

(A) include detailed information on the structure, operation, and financial status of the corporation, including:

- (i) detailed information on the corporation's efforts to support the development of small businesses under this chapter; and
- (ii) an evaluation of the results of the corporation's efforts to encourage the development of small businesses under this chapter; and





~~(B)~~ be in an electronic format under IC 5-14-6.

The board shall conduct an annual public hearing to receive comment from interested parties regarding the annual report, and notice of the hearing shall be given at least fourteen ~~(14)~~ days before the hearing in accordance with IC 5-14-1.5-5(b).

~~(3)~~ (2) Approve and administer loans from the small business development fund established by IC 5-28-18.

~~(4)~~ (3) Conduct activities for nontraditional entrepreneurs under IC 5-28-18.

~~(5)~~ (4) Establish and administer the small and minority business financial assistance program under IC 5-28-20.

~~(6)~~ (5) Assist small businesses in obtaining state and federal tax incentives.

~~(7)~~ (6) Maintain, through the Small Business Development Centers, a statewide network of public, private, and educational resources to, among other things, inform small businesses of the state and federal programs under which they may obtain financial assistance or realize reduced costs through programs such as the small employer health insurance pooling program under IC 27-8-5-16(8).

(b) The corporation may do the following to carry out this chapter:

(1) Receive money from any source, enter into contracts, and expend money for any activities appropriate to its purpose.

(2) Do all other things necessary or incidental to carrying out the corporation's functions under this chapter.

(3) Establish programs to identify entrepreneurs with marketable ideas and to support the organization and development of new business enterprises, including technologically oriented enterprises.

(4) Conduct conferences and seminars to provide entrepreneurs with access to individuals and organizations with specialized expertise.

(5) Establish a statewide network of public, private, and educational resources to assist the organization and development of new enterprises.

(6) Operate a small business assistance center to provide small businesses, including minority owned businesses and businesses owned by women, with access to managerial and technical expertise and to provide assistance in resolving problems encountered by small businesses.

(7) Cooperate with public and private entities, including the Indiana Small Business Development Center Network and the

C  
o  
p  
y



federal government marketing program, in exercising the powers listed in this subsection.

(8) Establish and administer the small and minority business financial assistance program under IC 5-28-20.

(9) Approve and administer loans from the small business development fund established by IC 5-28-18.

(10) Coordinate state funded programs that assist the organization and development of new enterprises.

SECTION 45. IC 5-28-18-8, AS ADDED BY P.L.4-2005, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. (a) The corporation shall perform the following duties:

(1) Establish and implement the policies and procedures to be used by the corporation in the administration of the fund.

(2) Subject to section 10 of this chapter, establish criteria for awarding loans from the fund.

(3) Review and approve or disapprove applications for loans from the fund.

(4) Establish the terms of loans from the fund, which must include the conditions set forth in section 11 of this chapter.

(5) Award the loans approved under this chapter.

(6) Provide the staff and other resources necessary to implement this chapter.

(7) Prepare and distribute to appropriate entities throughout Indiana requests for proposals for the organization and operation of local pools.

(8) Conduct conferences and seminars concerning the fund.

~~(9) Submit a report concerning the fund to the general assembly before November 1 of each year. The report must include detailed information concerning the structure, operation, and financial condition of the fund. The report must be in an electronic format under IC 5-14-6.~~

(b) The corporation may enter into contracts necessary for the administration of this chapter, including contracts for servicing loans from the fund.

SECTION 46. IC 5-28-21-21 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 21: Before July 2 each year, the corporation shall provide the legislative council and the governor with a report that includes the following information:~~

~~(1) The number of applications for incubators received by the corporation.~~

~~(2) The number of applications for incubators approved by the~~



corporation:

- (3) The number of incubators created under this chapter.
- (4) The number of tenants occupying each incubator.
- (5) The occupancy rate of each incubator.
- (6) The number of jobs provided by each incubator and the tenants of each incubator.
- (7) The number of firms still operating in Indiana after leaving incubators and the number of jobs provided by those firms. The corporation shall attempt to identify the reasons firms that were established in an incubator have moved to another state.

The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 47. IC 5-28-23-1, AS AMENDED BY P.L.2-2007, SECTION 110, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The corporation shall ~~do the following~~:

- (1) contribute to the strengthening of the economy of Indiana through the development of science and technology and to promote the modernization of Indiana businesses by supporting the transfer of science, technology, and quality improvement methods to the workplace.
- (2) Submit an annual report to the governor and to the general assembly (in an electronic format under IC 5-14-6) that is due on the first day of November for each year and must include detailed information on the corporation's efforts to carry out this chapter. The corporation shall conduct an annual public hearing to receive comments from interested parties regarding the report, and notice of the hearing shall be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b).
- (b) The corporation may do the following:
  - (1) Receive money from any source, borrow money, enter into contracts, and expend money for activities appropriate to its purpose under this chapter.
  - (2) Do things necessary or incidental to carrying out the functions listed in this chapter.
  - (3) Establish a statewide business modernization network to assist Indiana businesses in identifying ways to increase productivity and market competitiveness.
  - (4) Identify scientific and technological problems and opportunities related to the economy of Indiana and formulate proposals to overcome those problems or realize those opportunities.



(5) Identify specific areas in which scientific research and technological investigation will contribute to the improvement of productivity of Indiana manufacturers and farmers.

(6) Determine specific areas in which financial investment in scientific and technological research and development from private businesses located in Indiana could be improved or increased if state resources were made available to assist in financing activities.

(7) Assist in establishing cooperative associations of postsecondary educational institutions in Indiana and of private enterprises to coordinate research and development programs that will, consistent with the primary educational function of the postsecondary educational institutions, aid in the creation of new jobs in Indiana.

(8) Assist in financing the establishment and continued development of technology intensive businesses in Indiana.

(9) Advise postsecondary educational institutions of the research needs of Indiana businesses and improve the exchange of scientific and technological information for the mutual benefit of postsecondary educational institutions and private businesses.

(10) Coordinate programs established by postsecondary educational institutions to provide Indiana businesses with scientific and technological information.

(11) Establish programs in scientific education that will support the accelerated development of technology intensive businesses in Indiana.

(12) Provide financial assistance through contracts, grants, and loans to programs of scientific and technological research and development.

(13) Determine how state educational institutions can increase income derived from the sale or licensure of products or processes having commercial value that are developed as a result of state educational institution sponsored research programs.

SECTION 48. IC 5-28-28-4, AS ADDED BY P.L.222-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. As used in this chapter, "tax credit" means a state tax liability credit under any of the following:

- (1) IC 6-3.1-7.
- (2) IC 6-3.1-13.
- (3) IC 6-3.1-13.5 (until January 1, 2020).
- (4) IC 6-3.1-26.
- (5) IC 6-3.1-27.



(6) IC 6-3.1-28.

(7) IC 6-3.1-30.

SECTION 49. IC 5-28-28-10 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 10. In addition to the other requirements of this chapter, the economic incentives and compliance report must also include a detailed report on the following programs, resources, or activities for which the corporation is responsible:**

(1) Small business development under IC 5-28-17.

(2) The small business development fund established under IC 5-28-18-7.

(3) The small business incubator program under IC 5-28-21.

(4) Efforts to promote business modernization of and the adoption of technology by Indiana businesses under IC 5-28-23.

SECTION 50. IC 5-31 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Indiana Health Informatics Corporation).

SECTION 51. IC 6-1.1-31-13 IS REPEALED [EFFECTIVE JULY 1, 2012]. **Sec. 13. (a) Before February 1, 2002, the governor shall appoint two (2) individuals to participate in the adoption of rules by the department of local government finance as described in subsection (c). The term of each individual is one (1) year. The individuals serve at the pleasure of the governor. The expenses of the individuals shall be paid from the budget of the Indiana department of administration:**

**(b) The individuals:**

(1) must be familiar with the duties and operations of the department of local government finance;

(2) are not employees of the department;

(3) are entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b);

(4) are entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the individuals' duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency; and

(5) may not be affiliated with the same political party.

**(c) The individuals appointed under this section shall consider all rules proposed by the department of local government finance for adoption. During the period when the department is formulating a rule for adoption, the department shall provide the proposed rule to each individual appointed under this section. Each individual shall review**

C  
o  
p  
y



the proposed rule. Before the department of local government finance takes final action to adopt a rule, the commissioner of the department and the individuals appointed under this section shall vote on the adoption. The department may take final action to adopt a rule only if there are at least two (2) affirmative votes for adoption. If the vote results in disapproval of the adoption, the department may not propose for adoption the same rule, or substantially the same rule, until at least one (1) year after the date of the vote. The department must make a written record of the vote under this subsection. The record of the vote is a public record.

(d) The department of local government finance shall:

- (1) provide facilities and support to the individuals appointed under this section for the performance of their duties under this section; and
- (2) allow each individual appointed under this section at least two (2) weeks to review a proposed rule before a vote is taken on the proposed rule under subsection (c):

SECTION 52. IC 6-3.1-1-3, AS AMENDED BY P.L.223-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. A taxpayer (as defined in the following laws), pass through entity (as defined in the following laws), or shareholder, partner, or member of a pass through entity may not be granted more than one (1) tax credit under the following laws for the same project:

- (1) IC 6-3.1-10 (enterprise zone investment cost credit).
- (2) IC 6-3.1-11 (industrial recovery tax credit).
- (3) IC 6-3.1-11.5 (military base recovery tax credit).
- (4) IC 6-3.1-11.6 (military base investment cost credit).
- (5) IC 6-3.1-13.5 (capital investment tax credit) **(before its expiration on January 1, 2020).**
- (6) IC 6-3.1-19 (community revitalization enhancement district tax credit).
- (7) IC 6-3.1-24 (venture capital investment tax credit).
- (8) IC 6-3.1-26 (Hoosier business investment tax credit).
- (9) IC 6-3.1-31.9 (Hoosier alternative fuel vehicle manufacturer tax credit).

If a taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity has been granted more than one (1) tax credit for the same project, the taxpayer, pass through entity, or shareholder, partner, or member of a pass through entity must elect to apply only one (1) of the tax credits in the manner and form prescribed by the department.

SECTION 53. IC 6-3.1-13.5-14 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: **Sec. 14. (a) A tax credit may not be awarded under this chapter for a capital investment made after December 31, 2016. However, this subsection may not be construed to prevent a taxpayer from carrying over to a taxable year beginning after December 31, 2016, an unused tax credit attributable to a taxable year beginning before January 1, 2017.**

**(b) This chapter expires January 1, 2020.**

SECTION 54. IC 6-3.1-15-1, AS AMENDED BY P.L.1-2005, SECTION 95, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. As used in this chapter, "buddy system project" ~~has the meaning set forth in IC 20-20-15-4(1)(A).~~ **means a statewide computer project placing computers in homes of public school students (commonly referred to as the "buddy system project") and any other educational technology program or project jointly authorized by the state superintendent of public instruction and the governor.**

SECTION 55. IC 6-3.1-15-10, AS AMENDED BY P.L.1-2005, SECTION 97, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 10. The state board shall ~~in consultation with the corporation for educational technology if the corporation is established under IC 20-20-15-3;~~ establish minimum standards for qualified computer equipment. Upon receipt of computer equipment, a service center shall promptly inspect the equipment. If the computer equipment meets the minimum standards established by the state board, the service center shall accept the computer equipment as qualified computer equipment and shall, subject to section 11(b) of this chapter, promptly send a certification to the computer equipment owner for the tax credit available under this chapter.

SECTION 56. IC 8-4.5-3-1, AS AMENDED BY P.L.59-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. (a) The departments annually shall do the following:

- (1) Prepare a list of existing rights-of-way that might be abandoned during the following year. ~~The list shall be submitted to the board for review.~~
- (2) Set priorities for potential future uses of rights-of-way consistent with the Indiana department of transportation's comprehensive transportation plan and the department of natural resources trail system plan.
- (3) Contact each railroad owner that holds an interest in a corridor in Indiana to assess the status and any issues concerning corridors



that may be abandoned.

(b) The Indiana department of transportation annually, in consultation with affected state and local agencies, shall prepare a list of corridors for preservation.

SECTION 57. IC 8-4.5-3-2 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 2: (a) ~~The board shall do the following:~~

~~(1) Review the list prepared under section 1(1) of this chapter.~~

~~(2) Approve or disapprove the priorities set under section 1(2) of this chapter.~~

~~(3) Review criteria for project selection under the program.~~

~~(4) Review procedures for public participation under the program.~~

~~(b) If the board disapproves the priorities set under section 1(2) of this chapter, the departments shall revise the priorities as directed by the board.~~

SECTION 58. IC 8-4.5-3-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. ~~(a)~~ The departments annually shall update the list prepared under section 1(1) of this chapter and the priorities set under section 1(2) of this chapter based on the following:

(1) Annual system diagram map and supplemental information submitted to the ~~Interstate Commerce Commission~~ and state agencies identifying potential abandonment applications.

(2) Changes in local agency interest.

(3) Availability of funds.

(4) Possible future uses for rail, transit, highway, bicycle, pedestrian, utility, communication, or recreation corridors.

~~(b) The updated list and priorities are subject to review and approval by the board under section 2 of this chapter.~~

SECTION 59. IC 8-4.5-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. ~~Subject to approval by the board, the~~ The Indiana department of transportation shall file a petition with the United States Surface Transportation Board for public use conditions on a corridor that has been identified for preservation under this chapter.

SECTION 60. IC 8-4.5-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. ~~Subject to approval by the board, the~~ The departments annually shall assemble a written report containing the following information:

(1) A description of the rights-of-way that have been abandoned during the previous year. This description is not required to include the legal description of any of the rights-of-way.

(2) Any property that has been purchased under the program.





(3) Sources of funds for the program.

(4) Other information that ~~the board or~~ the departments consider relevant.

SECTION 61. IC 8-16-17 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Ohio River Bridges Project Commission).

SECTION 62. IC 9-18-44-1, AS AMENDED BY P.L.96-2008, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 1. The bureau of motor vehicles shall, with the advice of the Native American Indian affairs commission established under ~~IC 4-4-31.4~~, **IC 4-23-32**, design and issue an Indiana Native American trust license plate. The Indiana Native American trust license plate shall be designed and issued as a special group recognition license plate under IC 9-18-25.

SECTION 63. IC 9-18-44-4, AS AMENDED BY P.L.96-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 4. (a) The Indiana Native American trust fund is established.

(b) The treasurer of state shall invest the money in the Indiana Native American trust fund not currently needed to meet the obligations of the Indiana Native American trust fund in the same manner as other public trust funds are invested. Interest that accrues from these investments shall be deposited in the Indiana Native American trust fund.

(c) The commissioner shall administer the Indiana Native American trust fund. Expenses of administering the Indiana Native American trust fund shall be paid from money in the Indiana Native American trust fund.

(d) On June 30 of each year, the commissioner shall distribute the money from the fund as follows:

(1) To Historic Prophetstown for a calendar year ending before January 1, 2009.

(2) To the Native American Indian affairs commission established under ~~IC 4-4-31.4~~ **IC 4-23-32** for a calendar year beginning after December 31, 2008.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(f) The Native American Indian affairs commission may use money received under this section for any lawful purpose of the Native American Indian affairs commission.

SECTION 64. IC 10-17-9-20 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 20: (a) The Indiana Veterans' Home advisory committee is established.~~

C  
o  
p  
y



(b) The advisory committee consists of eight (8) members appointed by the governor and must include the following:

- (1) One (1) member who is a licensed physician.
- (2) One (1) member who is a member of the general assembly from the district in which the Indiana Veterans' Home is located.
- (3) The director of veterans' affairs or the director's designee.

(c) The term of a member, other than a member who is a member of the general assembly, is four (4) years. A member of the general assembly appointed under this section serves until the end of the member's current legislative term. The governor may remove a member of the advisory committee for cause. The governor shall fill a vacancy in the membership of an advisory committee for the unexpired term of the vacating member.

(d) The advisory committee shall hold at least one (1) regular meeting in each calendar quarter and may hold special meetings upon the call of the superintendent.

(e) The members of the advisory committee shall elect a chairperson and a secretary.

(f) Each member of the advisory committee who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(g) Each member of the advisory committee who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(h) Each member of the advisory committee who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

(i) The advisory committee shall act in an advisory capacity to the superintendent and to the director concerning ways to improve the Indiana Veterans' Home and the care of its residents.

SECTION 65. IC 10-18-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. (a) The Indiana war memorials commission is established.



(b) **Beginning July 1, 2015**, the commission consists of ~~ten (10)~~ **nine (9)** members. Each Indiana congressional district must be represented by at least one (1) member who is:

- (1) a resident of that congressional district;
- (2) a veteran of service in the armed forces of the United States of America in time of war;
- (3) a citizen of Indiana at the time of the service; and
- (4) appointed:
  - (A) in the manner;
  - (B) for the terms;
  - (C) to have the powers; and
  - (D) to perform the duties;
 as provided in this chapter.

(c) The commission:

- (1) as the commission and in the commission's name, may prosecute and defend suits; and
- (2) has all other duties, rights, and powers that are:
  - (A) necessary to implement this chapter; and
  - (B) not inconsistent with this chapter.

(d) The members of the commission are not liable in their individual capacity, except to the state, for any act done or omitted in connection with the performance of their duties under this chapter.

(e) A suit against the commission must be brought in a court with jurisdiction in Marion County. Notice or summons of the suit shall be served upon the president, vice president, or secretary of the commission. In a suit against the commission, it is not necessary to name the individual members of the commission as either plaintiff or defendant. Commission members may sue and be sued in the name of the Indiana war memorials commission.

(f) The commission shall:

- (1) report to the governor through the adjutant general; and
- (2) be under the adjutant general for administrative supervision.

**(g) The reduction in the membership of the commission from ten (10) to nine (9) under subsection (b) shall be accomplished as the terms of members end and new members are appointed. This subsection expires July 1, 2015.**

SECTION 66. IC 11-10-4-6.6 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 6.6: (a) As used in this section, "advisory committee" refers to the mental health corrections quality advisory committee established by subsection (b):

(b) The mental health corrections quality advisory committee is established. The advisory committee consists of the following

C  
o  
p  
y



members:

- (1) The commissioner of the department or the commissioner's designee, who shall serve as chairperson of the advisory committee.
- (2) The director of the division of mental health and addiction or the director's designee.
- (3) A representative of a statewide mental health advocacy organization.
- (4) A representative of a statewide mental health provider organization.
- (5) A representative from a medical services organization that participates in the department's medical services program.
- (6) A member with expertise in psychiatric research representing a postsecondary educational institution.
- (7) A pharmacist licensed under IC 25-26 with expertise in mental health disorders.

The governor shall make the appointments under subdivisions (3) through (7) for a term of four (4) years and fill any vacancy on the advisory committee.

(c) The affirmative votes of a majority of the voting members appointed to the advisory committee are required for the committee to take action on any measure.

(d) The advisory committee shall advise the department and make recommendations concerning the department's formulary for medications for mental health and addictive disorders and consider the following:

- (1) Peer reviewed medical literature.
- (2) Observational studies.
- (3) Health economic studies.
- (4) Input from physicians and patients.
- (5) Any other information determined by the advisory committee to be appropriate.

(e) The department shall report recommendations made by the advisory committee to the department's medical director.

(f) The department shall report the following information to the Indiana commission on mental health and addiction (IC 12-21-6.5-2):

- (1) The advisory committee's advice and recommendations made under this section.
- (2) The number and types of restrictions implemented by the department and the outcome of each restriction.
- (3) The transition of individuals with mental illness into the community and the rate of recidivism.



C  
o  
p  
y

~~(4) Any decision by the department to change the mental health care delivery system in which medication is provided to inmates.~~

SECTION 67. IC 12-13-12 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Commission on the Social Status of Black Males).

SECTION 68. IC 13-11-2-17, AS AMENDED BY SEA 131-2012, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 17. (a) "Board", except as provided in subsections (b) through ~~(g)~~, **(d)**, refers to **the environmental rules board established by IC 13-13-8-3.**

- ~~(1) the air pollution control board;~~
- ~~(2) the water pollution control board; or~~
- ~~(3) the solid waste management board.~~

~~(b) "Board", for purposes of IC 13-17, refers to the air pollution control board.~~

~~(c) "Board", for purposes of IC 13-18, refers to the water pollution control board.~~

~~(d) "Board", for purposes of:~~

- ~~(1) IC 13-19;~~
- ~~(2) IC 13-20;~~
- ~~(3) IC 13-22;~~
- ~~(4) IC 13-23, except IC 13-23-11;~~
- ~~(5) IC 13-24; and~~
- ~~(6) IC 13-25;~~

~~refers to the solid waste management board.~~

~~(e) (b) "Board", for purposes of IC 13-21, refers to the board of directors of a solid waste management district.~~

~~(f) (c) "Board", for purposes of IC 13-14, IC 13-23-11, and IC 13-30-2-1, refers to the underground storage tank financial assurance board.~~

~~(g) (d) "Board", for purposes of IC 13-26, refers to the board of trustees of a regional water, sewage, or solid waste district.~~

SECTION 69. IC 13-11-2-18 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 18. "Boards" refers to all of the following:~~

- ~~(1) The air pollution control board.~~
- ~~(2) The water pollution control board.~~
- ~~(3) The solid waste management board.~~

SECTION 70. IC 13-11-2-165 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 165. "Pollution control laws" refers to the following:

- (1) IC 13-12-4 and IC 13-12-5.
- (2) IC 13-17, except for the following:
  - (A) IC 13-17-3-15.

C  
o  
p  
y



- (B) IC 13-17-7.
- (C) IC 13-17-8-10.
- (D) IC 13-17-10.
- (E) IC 13-17-11.
- (F) IC 13-17-13.
- (3) IC 13-18, except for the following:
  - (A) IC 13-18-12 and IC 13-18-13.
  - (B) IC 13-18-15 through IC 13-18-20.
- (4) ~~IC 13-19-2~~ and IC 13-19-3.
- (5) IC 13-20-16 and IC 13-20-17.

SECTION 71. IC 13-12-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. To the fullest extent possible:

- (1) the policies, rules, and statutes of the state shall be interpreted and administered in accordance with the policies set forth in this chapter; and
- (2) all state agencies shall do the following:
  - (A) Use a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts in planning and decision making that may have an impact on the environment.
  - (B) Identify and develop methods and procedures that will ensure that unquantified environmental amenities and values may be given appropriate consideration in decision making along with economic and technical considerations.
  - (C) Include in every recommendation or report on proposals for legislation and other major state actions significantly affecting the quality of the human environment a detailed statement by the responsible official on the following:
    - (i) The environmental impact of the proposed action.
    - (ii) Any adverse environmental effects that cannot be avoided should the proposal be implemented.
    - (iii) Alternatives to the proposed action.
    - (iv) The relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity.
    - (v) Any irreversible and irretrievable commitments of resources that would be involved if the proposed action should be implemented.

Before making a detailed statement, the responsible state official shall consult with and obtain the comments of each state agency that has jurisdiction by law or special expertise

C  
o  
p  
y



with respect to any environmental impact involved. Copies of the statement and the comments and views of the appropriate federal, state, and local agencies that are authorized to develop and enforce environmental standards shall be made available to the governor and to the public and must accompany the proposal through the agency review processes. The ~~air pollution control board, water pollution control board, and solid waste management board~~ shall by rule define the actions that constitute a major state action significantly affecting the quality of the human environment.

(D) Study, develop, and describe appropriate alternatives to recommend courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources.

(E) Recognize the long range character of environmental problems and, where consistent with the policy of the state, lend appropriate support to initiatives, resolutions, and programs designed to maximize state cooperation in anticipating and preventing a decline in the quality of the environment.

(F) Make available to counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment.

(G) Initiate and use ecological information in the planning and development of resource oriented projects.

SECTION 72. IC 13-13-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]:

**Chapter 8. Environmental Rules Board**

**Sec. 1.** As used in this chapter, "board" refers to the environmental rules board established by section 3 of this chapter.

**Sec. 2. (a)** The following entities are abolished on January 1, 2013:

(1) The air pollution control board (established by IC 13-17-2 before its repeal).

(2) The water pollution control board (established by IC 13-18-1 before its repeal).

(3) The solid waste management board (established by IC 13-19-2 before its repeal).

(b) All powers, duties, and liabilities are transferred from the entities abolished under subsection (a) to the environmental rules board established by section 3 of this chapter effective January 1,

C  
o  
p  
y



2013.

(c) On and after January 1, 2013, a reference to an entity abolished under subsection (a) in a statute or rule shall be treated as a reference to the environmental rules board.

(d) The rules adopted by the entities abolished under subsection (a) shall be treated, administered, and implemented as follows:

(1) The rules adopted before January 1, 2013, by the air pollution control board abolished under subsection (a)(1):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the air pollution control division of the department described in IC 13-13-3-2(1).

(2) The rules adopted before January 1, 2013, by the water pollution control board abolished under subsection (a)(2):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the water pollution control division of the department described in IC 13-13-3-2(2).

(3) The rules adopted before January 1, 2013, by the solid waste management board abolished under subsection (a)(3):

(A) shall be treated as though the rules were adopted by the environmental rules board; and

(B) shall be administered and implemented by the solid waste management division of the department described in IC 13-13-3-2(3).

(e) A member of an entity abolished under subsection (a) may serve until December 31, 2012. The initial members of the environmental rules board shall be appointed under section 4 of this chapter not later than December 31, 2012.

Sec. 3. The environmental rules board is established as an independent board.

Sec. 4. (a) The board consists of the following sixteen (16) members:

(1) The following ex officio members:

(A) The commissioner. The commissioner, or the commissioner's designee, serves as a nonvoting member of the board.

(B) The commissioner of the state department of health.

(C) The director of the department of natural resources.

(D) The lieutenant governor.



C  
o  
p  
y



(E) The secretary of commerce or the secretary's designee.  
 (2) The following eleven (11) members, who shall be appointed by the governor based on recommendations from representative constituencies:

- (A) One (1) representative of agriculture.
- (B) One (1) representative of manufacturing.
- (C) One (1) representative of environmental interests.
- (D) One (1) representative of labor.
- (E) One (1) representative of local government.
- (F) One (1) representative of small business.
- (G) One (1) health professional who holds a license to practice in Indiana.
- (H) One (1) representative of the solid waste management industry.
- (I) One (1) representative of a public utility that engages in the production and transmission of electricity.
- (J) Two (2) representatives of the general public, who cannot qualify to sit on the board under any of the other clauses in this subdivision.

(b) An individual appointed under subsection (a)(2) must possess knowledge, experience, or education qualifying the individual to represent the constituency the individual is being recommended to represent.

Sec. 5. Except as provided in section 4(a)(1)(A) of this chapter, an ex officio member of the board may designate in writing a technical representative to serve as a voting member of the board when the ex officio member is unable to attend a board meeting.

Sec. 6. Not more than six (6) of the appointed members of the board may be members of the same political party.

Sec. 7. (a) An appointed member of the board serves a term of four (4) years.

(b) The term of each member of the board continues until a successor is appointed and qualified.

(c) If a vacancy occurs in the appointed membership of the board, the governor shall appoint a member not later than ninety (90) days after the vacancy occurs for the remainder of the unexpired term created by the vacancy. The board shall suspend the exercise of the board's duties if the vacancy has not been filled within ninety (90) days after the vacancy occurs.

(d) The governor may remove an appointed member of the board for cause. Cause includes the repeated failure to attend meetings.



C  
o  
p  
y

**Sec. 8. (a) Ex officio members of the board serve without additional compensation.**

**(b) Each appointed member of the board is entitled to the following:**

**(1) The minimum salary per diem provided by IC 4-10-11-2.1(b).**

**(2) Reimbursement for traveling expenses provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties, as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.**

**(c) The per diem salary and mileage reimbursement are valid claims against the department.**

**Sec. 9. Eight (8) members of the board, five (5) of whom must be appointed members of the board, constitute a quorum. A quorum must be present to transact business at a meeting of the board. Meetings of the board are subject to the public meeting requirements under IC 5-14-1.5.**

**Sec. 10. The governor shall annually select:**

**(1) one (1) of the appointed members of the board to serve as chairperson; and**

**(2) another of the appointed members to serve as vice chairperson.**

**Sec. 11. Each member of the board shall fully disclose any potential conflicts of interest relating to permits or enforcement orders under the:**

**(1) federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990;**

**(2) federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.);**

**(3) federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9601 through 9675);**

**(4) federal Water Pollution Control Act (33 U.S.C. 1251 et seq.); and**

**(5) federal Safe Drinking Water Act (42 U.S.C. 300f through 300j).**

**Sec. 12. (a) The board shall select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to**

C  
o  
p  
y



serve as technical secretary of the board.

(b) Between meetings of the board, the department shall do the following:

- (1) Handle correspondence.
- (2) Make or arrange for investigations and surveys.
- (3) Obtain, assemble, or prepare reports and data as directed by the board.

(c) The technical secretary shall review all materials prepared for the board by the department to make any necessary revisions. Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the technical secretary. The technical secretary is not a voting member of the board.

Sec. 13. (a) The board may select, from a list of three (3) qualified individuals recommended by the governor, an independent third party who is not an employee of the state to serve as legal counsel.

(b) The legal counsel shall do the following:

- (1) Advise the board on legal matters or proceedings arising from the exercise of the board's duties.
- (2) Review all materials prepared for the board by the department for legal accuracy and sufficiency and direct the department to make any necessary revisions.

(c) Provisions of this chapter concerning terms of appointment, vacancies, and compensation of appointed board members apply to the legal counsel. The legal counsel is not a voting member of the board.

Sec. 14. The board may establish advisory committees for the purpose of giving advice on any matters pertaining to the business of the board. A member appointed to an advisory committee shall serve at the pleasure of the board and is not entitled to a salary, per diem, or reimbursement of expenses.

Sec. 15. The board shall adopt rules under IC 4-22-2 and IC 13-14-9 that are consistent with the purposes of this title.

SECTION 73. IC 13-14-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The department shall assure accomplishment of the comprehensive, long term programs established by the ~~boards:~~ board.

SECTION 74. IC 13-14-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The department shall procure compliance with standards and rules adopted by the ~~boards:~~ board.

C  
o  
p  
y



SECTION 75. IC 13-14-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The commissioner shall prepare the proposed budget of the department and the ~~boards~~: **board**.

SECTION 76. IC 13-14-1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 8. The commissioner may propose financing a structure to the ~~boards~~: **board**.

SECTION 77. IC 13-14-1-9, AS AMENDED BY P.L.172-2011, SECTION 113, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) The commissioner shall issue permits, licenses, orders, and variances as authorized by:

- (1) this title;
- (2) other statutes; and
- (3) rules of the ~~boards~~: **board**.

(b) If the commissioner is notified by the department of state revenue that a person is on the most recent tax warrant list, the commissioner may not issue a permit or license to the applicant until:

- (1) the applicant provides a statement to the commissioner from the department of state revenue indicating that the applicant's tax warrant has been satisfied; or
- (2) the commissioner receives a notice from the commissioner of the department of state revenue under IC 6-8.1-8-2(k).

SECTION 78. IC 13-14-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. The commissioner shall enforce rules consistent with the purposes of:

- (1) air pollution control laws;
- (2) water pollution control laws;
- (3) IC 13-18-9;
- (4) IC 13-18-10;
- ~~(5) IC 13-19-2;~~
- ~~(6)~~ **(5)** IC 13-19-3; and
- ~~(7)~~ **(6)** IC 36-9-30.

SECTION 79. IC 13-14-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The department may have a designated agent, upon presentation of proper credentials, enter upon private or public property to inspect for and investigate possible violations of any of the following:

- (1) Air pollution control laws.
- (2) Water pollution control laws.
- (3) Environmental management laws.
- (4) IC 13-18-9.
- (5) IC 13-18-10.



C  
o  
p  
y

~~(6) IC 13-19-2.~~

~~(7) (6) IC 13-19-3.~~

~~(8) (7) Any rule adopted by one (1) of the boards: board.~~

SECTION 80. IC 13-14-2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The department may do the following:

- (1) Represent the state in all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements for environmental protection.
- (2) Conduct, convoke, attend, or participate in official or unofficial conferences or hearings within or outside Indiana concerning any matter within the scope of the power and duties of the ~~boards~~ **board** or the department.

SECTION 81. IC 13-14-2-6, AS AMENDED BY P.L.78-2009, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. Except as provided in IC 13-14-6, the commissioner may proceed in court, by appropriate action, to:

- (1) enforce any final order of the commissioner or ~~of one (1) of the boards;~~ **board;**
- (2) collect any penalties or fees;
- (3) procure or secure compliance with this title or any other law that the department has the duty or power to enforce;
- (4) procure compliance with any standard or rule ~~of one (1) of the boards;~~ **board;**
- (5) enforce a restrictive covenant (as defined in IC 13-11-2-193.5) in accordance with the terms of the covenant if the covenant is:
  - (A) executed before July 1, 2009;
  - (B) approved by the commissioner; and
  - (C) created in connection with any:
    - (i) remediation;
    - (ii) closure;
    - (iii) cleanup;
    - (iv) corrective action; or
    - (v) determination exercising enforcement discretion or of no further action being required;
 approved by the department under this title; or
- (6) enforce a restrictive covenant (as defined in IC 13-11-2-193.5) in accordance with the terms of the covenant if the covenant is:
  - (A) executed after June 30, 2009; and
  - (B) created in connection with any of the following approved by the department under this title:
    - (i) A remediation.



- (ii) A closure.
- (iii) A cleanup.
- (iv) A corrective action.
- (v) A determination exercising enforcement discretion or of no further action being required.

SECTION 82. IC 13-14-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) Each person:

- (1) discharging; or
- (2) proposing to discharge or emit;

contaminants that could affect environmental quality shall furnish to the department the reasonable technical or monitoring program reports that the ~~boards specify~~ **board specifies** by rule.

(b) An affidavit of the responsible officer or person in charge of the operation involved must accompany each report.

SECTION 83. IC 13-14-5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~boards~~ **board** shall adopt rules under IC 4-22-2 ~~and IC 13-14-9~~ to administer this chapter and IC 13-30-7.

SECTION 84. IC 13-14-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The:

- (1) governor may assign to ~~any of the boards~~ **board** the adoption of rules in any area not provided for by law as of September 1, 1985; or
- (2) board may directly exercise that power until a specific agency for the exercise of the power is created.

SECTION 85. IC 13-14-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~boards~~ **board** may:

- (1) adopt;
- (2) repeal;
- (3) rescind; or
- (4) amend;

rules and standards by proceeding in the manner prescribed in IC 4-22-2 and IC 13-14-9.

SECTION 86. IC 13-14-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) The department may propose to the ~~boards~~ **board** the:

- (1) adoption;
- (2) repeal;
- (3) rescission; or
- (4) amendment;



of any rule or standard.

(b) The rules proposed by the department must be adopted by the ~~appropriate~~ board under IC 4-22-2 and IC 13-14-9 before the rules become effective.

SECTION 87. IC 13-14-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Any person may present written proposals for the adoption, amendment, or repeal of a rule by ~~one (1) of the boards~~ **board**. A proposal presented under this section must be:

- (1) supported by a statement of reasons; and
- (2) accompanied by a petition signed by at least two hundred (200) persons.

(b) If the board ~~with rulemaking authority in the subject area to which the rule pertains~~ finds that the proposal:

- (1) is not plainly devoid of merit; and
- (2) does not deal with a subject on which a hearing was held within the previous six (6) months of the submission of the proposal;

the board shall give notice and hold a hearing on the proposal.

SECTION 88. IC 13-14-8-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) Without limiting the generality of the regulatory authority of the ~~boards~~ **board** under this title, the ~~appropriate~~ board may adopt rules under IC 4-22-2 and IC 13-14-9 prescribing the following:

- (1) Standards or requirements for discharge or emission specifying the maximum permissible short term and long term concentrations of various contaminants of the air, water, or land.
- (2) Procedures for the administration of a system of permits for:
  - (A) the discharge of any contaminants;
  - (B) the construction, installation, or modification of any:
    - (i) facility;
    - (ii) equipment; or
    - (iii) device;
 that may be designed to control or prevent pollution; or
  - (C) the operation of any:
    - (i) facility;
    - (ii) equipment; or
    - (iii) device;
 to control or to prevent pollution.
- (3) Standards and conditions for the use of any fuel or vehicle determined to constitute an air pollution hazard.
- (4) Standards for the filling or sealing of abandoned:

C  
o  
p  
y



- (A) water wells;
- (B) water holes; and
- (C) drainage holes;

to protect ground water against contamination.

(5) Alert criteria and abatement standards for pollution episodes or emergencies constituting an acute danger to health or to the environment, including priority lists for terminating activities that contribute to the hazard, whether or not the activities would meet all discharge requirements of the board under normal conditions.

(6) Requirements and procedures for the inspection of any equipment, facility, vehicle, vessel, or aircraft that may cause or contribute to pollution.

(7) Requirements and standards for equipment and procedures for:

- (A) monitoring contaminant discharges at their sources;
- (B) the collection of samples; and
- (C) the collection, reporting, and retention, in accordance with record retention schedules adopted under IC 5-15-5.1, of data resulting from that monitoring.

(8) Standards or requirements to control:

- (A) the discharge; or
- (B) the pretreatment;

of contaminants introduced or discharged into publicly owned treatment works.

(b) If the ~~solid waste management board or air pollution control~~ board is required to adopt new rules or amend existing rules to implement an amendment to the federal Resource Conservation and Recovery Act or an amendment to or addition of a National Emission Standard for Hazardous Air Pollutants under the federal Clean Air Act, the board shall adopt the new rules or amend the existing rules not more than nine (9) months after the date the federal law becomes effective. This subsection does not limit ~~a~~ **the** board's authority to amend at any time the rules adopted under this subsection.

SECTION 89. IC 13-14-9-1, AS AMENDED BY P.L.204-2007, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as provided in sections 8 and 14 of this chapter, this chapter applies to the following:

- (1) ~~A~~ **The** board.
- (2) The underground storage tank financial assurance board established by IC 13-23-11-1.

(b) In addition to the requirements of IC 4-22-2 and IC 13-14-8, a board may not adopt a rule except in accordance with this chapter.

C  
o  
p  
y





SECTION 90. IC 13-14-9-14, AS AMENDED BY P.L.159-2011, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 14. (a) Except as provided in subsection (g), sections 1 through 13 of this chapter do not apply to a rule adopted under this section.

(b) The ~~water pollution control~~ board may use the procedures in this section to adopt a rule to establish new water quality standards for a community served by a combined sewer that has:

- (1) an approved long term control plan; and
- (2) an approved use attainability analysis that supports the use of a CSO wet weather limited use subcategory established under IC 13-18-3-2.5.

(c) After the department approves the long term control plan and use attainability analysis, the department shall publish in the Indiana Register a notice of adoption of a proposed rule to establish a CSO wet weather limited use subcategory for the area defined by the approved use attainability analysis.

(d) The notice under subsection (c) must include the following:

- (1) Suggested rule language that amends the designated use to allow for a CSO wet weather limited use subcategory in accordance with IC 13-18-3-2.5.
- (2) A written comment period of at least thirty (30) days.
- (3) A notice of public hearing before the ~~water pollution control~~ board.

(e) The department shall include the following in the written materials to be considered by the ~~water pollution control~~ board at the public hearing referred to in subsection (d)(3):

- (1) The full text of the proposed rule as most recently prepared by the department.
- (2) Written responses of the department to written comments received during the comment period referred to in subsection (d)(2).
- (3) The letter prepared by the department approving the long term control plan and use attainability analysis.

(f) At the public hearing referred to in subsection (d)(3), the board may:

- (1) adopt the proposed rule to establish a new water quality standard amending the designated use to allow for a CSO wet weather limited use subcategory;
- (2) adopt the proposed rule with amendments;
- (3) reject the proposed rule; or
- (4) determine to reconsider the proposed rule at a subsequent

C  
o  
p  
y



board meeting.

(g) If the board adopts the proposed rule with amendments under subsection (f)(2), the amendments must meet the logical outgrowth requirements of section 10 of this chapter, except that the board, in determining whether the amendments are a logical outgrowth of comments provided to the board, and in considering whether the language of comments provided to the board fairly apprised interested persons of the specific subjects and issues contained in the amendments, shall consider the comments provided to the board at the public hearing referred to in subsection (d)(3).

(h) The department shall submit a new water quality standard established in a rule adopted under subsection (f) to the United States Environmental Protection Agency for approval.

SECTION 91. IC 13-14-11-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The department shall, subject to the approval of ~~all three (3) of the boards;~~ **board**, develop written procedures for the separate storage and security of files containing records excepted from disclosure requirements under IC 5-14-3-4.

SECTION 92. IC 13-14-11-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~boards~~ **board** shall adopt rules requiring the execution of a confidentiality agreement with persons employed, contracted, or subcontracted by the department that is enforceable by:

- (1) the state; and
- (2) the submitter of the information.

SECTION 93. IC 13-14-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The money on deposit in the environmental management special fund shall be used exclusively for the purposes of the department and the ~~boards;~~ **board**. The revenues accruing to the fund are appropriated to the department for purposes of this title. However, expenditures for projects authorized by the department or ~~a the~~ board must be approved by the governor and the budget agency.

SECTION 94. IC 13-14-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) The auditor of state shall issue a report on the fund not later than ten (10) working days following the last day of each four (4) month period.

(b) The report must:

- (1) include the beginning and ending balance, disbursements, and receipts, including accrued interest or other investment earnings of the fund;



C  
o  
p  
y

- (2) comply with accounting standards under IC 4-13-2-7(a)(1); and
- (3) be available to the public.
- (c) The auditor of state shall forward copies of the report to the following:
  - (1) The commissioner.
  - (2) The standing committees of the house of representatives and the senate concerned with the environment.
  - (3) The ~~air pollution control~~ board.
  - (4) ~~The water pollution control board.~~
  - (5) ~~The solid waste management board.~~

SECTION 95. IC 13-15-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air pollution control~~ board shall establish requirements for the issuance of permits to control air pollution, noise, and atomic radiation, including the following:

- (1) Permits to control or limit the emission of any contaminants into the atmosphere.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the air.
- (3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the environment.

SECTION 96. IC 13-15-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The ~~water pollution control~~ board shall establish requirements for the issuance of permits to control water pollution and atomic radiation, including the following:

- (1) Permits to control or limit the discharge of any contaminants into state waters or into a publicly owned treatment works.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices to control or limit any discharge, emission, or disposal of contaminants into the waters of Indiana or into a publicly owned treatment works.
- (3) Permits for the operation of facilities, equipment, or devices to control or limit the discharge, emission, or disposal of any contaminants into the waters of Indiana or into a publicly owned treatment works.

However, the ~~water pollution control~~ board may not require a permit under subdivision (2) for any facility, equipment, or device constructed, installed, or modified as part of a surface coal mining

C  
o  
p  
y



operation that is operated under a permit issued under IC 14-34.

SECTION 97. IC 13-15-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~solid waste management~~ board shall establish requirements for the issuance of permits to control solid waste, hazardous waste, and atomic radiation, including the following:

- (1) Permits to control or limit the disposal of any contaminants onto or into the land.
- (2) Permits for the construction, installation, or modification of facilities, equipment, or devices:
  - (A) to control or limit any discharge, emission, or disposal of contaminants into the land; or
  - (B) for the storage, treatment, processing, transferring, or disposal of solid waste or hazardous waste.
- (3) Permits for the operation of facilities, equipment, or devices:
  - (A) to control or limit the discharge, emission, transfer, or disposal of any contaminants into the land; or
  - (B) for the storage, transportation, treatment, processing, transferring, or disposal of solid waste or hazardous waste.

SECTION 98. IC 13-15-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) ~~Each~~ **The** board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to establish requirements and procedures for the issuance of permits.

(b) In rules for the issuance of permits, ~~each~~ **the** board may do the following:

- (1) Prescribe standards for the discharge, emission, or disposal of contaminants and the operation of any facility, equipment, or device.
- (2) Impose the conditions that are considered necessary to accomplish the purposes of this title.

SECTION 99. IC 13-15-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) The ~~boards~~ **board** may adopt rules under IC 4-22-2 and IC 13-14-9 to allow the department to issue permits that do the following:

- (1) Provide incentives to owners and operators of facilities to assess the pollution emitted by the facilities into all environmental media.
- (2) Provide incentives to owners and operators of facilities to implement the most innovative and effective pollution control or pollution prevention strategies while maintaining enforceable performance goals.
- (3) Provide incentives to owners and operators of facilities to



C  
o  
p  
y

reduce pollution levels at the facilities below the levels required by law.

(4) Consolidate environmental requirements into one (1) permit that would otherwise be included in more than one (1) permit.

(5) Reduce the time and money spent by owners and operators of facilities and the department on administrative tasks that do not benefit the environment.

(6) Provide owners and operators of facilities with as much operational flexibility as can reasonably be provided while being consistent with enforcement of permit requirements.

(b) The rules adopted under this section may provide for permits that contain the following:

- (1) Authorization of emission trading.
- (2) Consolidated reporting mechanisms.
- (3) Third party certifications.
- (4) Multimedia regulation.
- (5) Other conditions consistent with subsection (a).

(c) The rules adopted under this section must provide that a permit issued under the rules adopted under this section meets the following criteria:

- (1) Activities conducted under the permit must result in greater overall environmental protection than would otherwise be achieved under applicable law.
- (2) Upon issuance of a permit, all limits, conditions, and standards contained in the permit are enforceable under IC 13-30-3.
- (3) The permit applicant must give notice in accordance with IC 13-15-8, and the commissioner shall give notice to the public and provide an opportunity to comment on the proposed permit in accordance with IC 13-15-5.

(d) The rules adopted under this section must allow the department to give priority to applications involving permits that are issued as described in this section based on:

- (1) the degree of environmental benefit that may be obtained under the permit;
- (2) the potential application of any innovative control technologies or regulatory procedures that may be made available to other permit applicants and permit holders; and
- (3) other criteria that the ~~boards~~ board may establish.

(e) The rules adopted under this section must be consistent with federal law for federally authorized or delegated permit programs.

SECTION 100. IC 13-15-3-5, AS AMENDED BY P.L.78-2009,



SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) Whenever a permit is required by any rule of ~~one (1) of the boards~~ **board** under IC 13-15-1 for the construction, installation, operation, or modification of any facility, equipment, or device, the permit may be issued only after the department staff has:

- (1) approved the plans and specifications; and
- (2) determined that the facility, equipment, or device meets the requirement of the rule.

(b) Notwithstanding subsection (a) and subject to subsection (c), a person to whom a permit has been issued may not start the construction, installation, operation, or modification of a facility, equipment, or a device until the person has obtained any approval required by any:

- (1) county;
- (2) city; or
- (3) town;

in which the facility, equipment, or device is located.

(c) Subsection (b) applies only to an approval required in an applicable ordinance, rule, or regulation in effect at the time the person submits the permit application to the issuing state agency.

SECTION 101. IC 13-15-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) When a person holding a valid permit concerning an activity of a continuing nature has made a timely and sufficient application for a renewal or a new permit in accordance with rules of ~~one (1) of the boards~~ **board**, the existing permit does not expire until a final determination on the application has been made by the department. However, the commissioner may seek injunctive relief with regard to the continuing activity of the permit applicant while the permit application is pending if the continuing activity of the permit applicant constitutes a threat to the public health, safety, or welfare.

(b) An application for renewal of a hazardous waste disposal facility operating permit under IC 13-22-3 must be submitted at least one hundred eighty (180) days before the expiration of the facility's current permit to be considered timely under this section.

SECTION 102. IC 13-15-4-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) Notwithstanding the periods specified in sections 1 through 4 of this chapter and this section, a person proposing to construct, modify, or operate any equipment, facility, or pollution control device that is demonstrated to achieve pollution control or pollution prevention in

C  
o  
p  
y



excess of applicable federal, state, or local requirements may apply to the commissioner for an interim permit to construct, modify, or operate the equipment, facility, or pollution control device.

(b) The commissioner shall approve or deny the interim permit not later than sixty (60) days after receipt of the application for an interim permit, unless the applicant and the commissioner agree that a longer review period is necessary.

~~(c) The boards shall adopt rules under IC 4-22-2 to implement this section before January 1, 1997. The rules may not allow an interim construction or operation permit pending a final permit determination if an interim permit is not allowed under federal law for a federally authorized or delegated permit program.~~

~~(d)~~ (c) This section does not relieve a person from complying with:

- (1) the permit requirements provided under this title; and
- (2) rules adopted under this title;

to the extent that this title and the rules are not inconsistent with this section.

SECTION 103. IC 13-15-7-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) This section applies to a facility that:

- (1) has been issued an operating permit by the ~~air pollution~~ board; or
- (2) is operating without a permit but has made a timely and complete application for a permit under IC 13-17-8-10.

(b) The ~~air pollution control~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** as part of the operating permit program established under 42 U.S.C. 7661 through 7661f providing that a facility may make changes without a permit revision if the following conditions exist:

- (1) The changes are not modifications under any provision of Title I of the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the federal Clean Air Act Amendments of 1990 (P.L. 101-549).
- (2) The changes do not exceed emissions:
  - (A) expressed as a rate of emissions; or
  - (B) expressed as total emissions; allowable under the permit.
- (3) The facility provides the commissioner with written notification at least seven (7) days before the proposed changes are made. However, the ~~air pollution control~~ board may adopt rules that provide a different period for notifications that involve emergency situations.

SECTION 104. IC 13-15-9-2 IS AMENDED TO READ AS



C  
o  
p  
y

FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. (a) ~~Each~~ **The** board may adopt rules under IC 4-22-2 **and IC 13-14-9** establishing:

- (1) conditions for the issuance of a permit under this chapter; and
- (2) requirements for the operation of nuclear facilities.

(b) Rules adopted by the ~~air pollution control~~ board may relate to:

- (1) air pollution from nuclear facilities; ~~Rules adopted by the water pollution control board may relate to~~
- (2) water pollution from nuclear facilities; **or**
- (3) ~~Rules adopted by the solid waste management board may relate to~~ other environmental problems associated with nuclear facilities.

(c) ~~The boards may not adopt rules that establish contradictory conditions and requirements.~~

SECTION 105. IC 13-15-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. A person proposing to construct:

- (1) a nuclear powered generating facility; or
- (2) a nuclear fuel reprocessing plant;

shall file with the ~~technical secretary of each~~ board an environmental feasibility report, on a form prescribed by the ~~boards,~~ **board**, concurrently with the filing of the preliminary safety analysis required to be filed with the United States Atomic Energy Commission.

SECTION 106. IC 13-15-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. (a) The commissioner, on behalf of ~~each the~~ board, may conduct a public hearing at a time and place to be determined by the department on the environmental effects of the proposed operation.

(b) A person affected by the proposed construction may participate in the hearing to the extent and in the manner that the board prescribes.

SECTION 107. IC 13-15-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) ~~Each~~ **The** board shall adopt rules and standards under section 2 of this chapter to protect the citizens of Indiana from the hazards of radiation.

(b) Each permit required under this chapter according to rules adopted by the ~~boards~~ **board** must specify the maximum allowable level of radioactive discharge.

(c) Each permit issued must include a requirement for:

- (1) appropriate procedures of monitoring any discharge; and
- (2) a report of each discharge to the department.

SECTION 108. IC 13-15-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management~~ board shall adopt rules to establish a department operated

C  
o  
p  
y





training and certification program for the following:

- (1) Operators of solid waste incinerators and waste to energy facilities.
- (2) Operators of land disposal sites.
- (3) Operators of facilities described under IC 13-15-1-3 whose operation could have an adverse impact on the environment if not operated properly.

SECTION 109. IC 13-15-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The waste facility operator trust fund is established. The ~~solid waste management~~ board shall deposit fees collected under this chapter in the fund.

(b) Money in the fund shall be used for paying the expenses of the training and certification program described in this chapter.

SECTION 110. IC 13-15-10-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter. The rules must include the following:

- (1) Requirements for certification that consider any training that is required by state rule or federal regulation.
- (2) Mandatory testing and retraining.
- (3) Recognition of training programs that the ~~solid waste management~~ board approves to serve as a training program that this chapter requires. A recognized training program may be offered by an employer or by any other provider.
- (4) Recognition of an interim period for which existing facility operators must obtain certification.

SECTION 111. IC 13-15-10-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The ~~solid waste management~~ board shall establish by rule and cause to be collected fees for the following:

- (1) Examination of applicants for certification.
- (2) Issuance, renewal, or transfer of a certificate.
- (3) Restoration of an expired certificate when that action is authorized by law.
- (4) Issuance of certificates by reciprocity or endorsement for out-of-state applicants.
- (5) Issuance of board or committee reciprocity or endorsements for resident practitioners who apply to another state for a certificate.

(b) A fee may not be less than fifty dollars (\$50) unless the fee is collected under a rule adopted by the ~~solid waste management~~ board that sets a fee for miscellaneous expenses incurred by the department

C  
o  
p  
y



on behalf of the operators the ~~solid waste management~~ board regulates. The fees may not be less than are required to pay all of the costs, both direct and indirect, of the operation of the department under this chapter.

(c) A fee may not be charged to an operator employed by a solid waste facility that is wholly owned and operated by a unit of local government.

SECTION 112. IC 13-15-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. (a) For the payment of fees under this chapter, the ~~solid waste management~~ board shall accept cash, a draft, a money order, a cashier's check, and a certified or other personal check.

(b) If:

- (1) the ~~solid waste management~~ board receives an uncertified personal check for the payment of a fee; and
- (2) the check does not clear the bank;

the ~~solid waste management~~ board may void the license, registration, or certificate for which the check was received.

(c) Unless designated by rule, a fee is not refundable or transferable.

SECTION 113. IC 13-15-11-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The environmental management permit operation fund is established for the purpose of providing money for permitting and directly associated activities of the following programs of the department and ~~boards: the board:~~

- (1) National Pollutant Discharge Elimination System program.
- (2) Solid waste program.
- (3) Hazardous waste program.
- (4) Safe drinking water program.

SECTION 114. IC 13-16-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. This chapter applies to fees established under this title by ~~any of the following: the board.~~

- (1) ~~The air pollution control board.~~
- (2) ~~The water pollution control board.~~
- (3) ~~The solid waste management board.~~

SECTION 115. IC 13-16-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. A fee established by ~~one (1) of the boards board~~ under this chapter for a type or class of permit may be based on the average of the costs specified in section 2 of this chapter for all permits of that type or class.

SECTION 116. IC 13-16-1-4 IS AMENDED TO READ AS



FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 4. The ~~boards~~ **board** shall periodically review the fees established under this chapter. ~~★ The~~ **The** board may change the amount of a fee if the board determines, based upon the factors set forth in section 2 of this chapter, that the amount of the fee is not appropriate.

SECTION 117. IC 13-17-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. It is the intent and purpose of air pollution control laws to maintain the purity of the air resource of Indiana, which shall be consistent with protection of the public health and welfare and the public enjoyment of the air resource, physical property and other resources, flora and fauna, maximum employment, and full industrial development of Indiana. The ~~air pollution control~~ **board** and the department shall safeguard the air resource through the prevention, abatement, and control of air pollution by all practical and economically feasible methods.

SECTION 118. IC 13-17-2 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Establishment of Air Pollution Control Board).

SECTION 119. IC 13-17-3-6 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 6: The board shall develop operating policies governing the implementation of air pollution control laws by the commissioner.~~

SECTION 120. IC 13-17-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. The board may adopt rules under IC 4-22-2 **and IC 13-14-9** under discretionary authority granted to the state by:

- (1) the federal Clean Air Act (42 U.S.C. 7401 et seq.), as amended by the Clean Air Act Amendments of 1990 (P.L.101-549); or
- (2) a regulation adopted under the federal Clean Air Act.

SECTION 121. IC 13-17-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air pollution control~~ **board** may adopt rules for the control of emissions from vehicles. However, the board must, before adopting the rules, forward to each member of the general assembly a copy of the proposed rules. The rules may prescribe requirements for the following:

- (1) The installation and use of equipment designed to reduce or eliminate emissions.
- (2) The proper maintenance of that equipment and of vehicles.

SECTION 122. IC 13-17-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~air pollution control~~ **board** shall adopt fees to be collected under the

C  
o  
p  
y



operating permit program. The annual aggregate amount of fees collected under the operating permit program from all sources subject to the operating permit program must be sufficient to cover only the direct and indirect reasonable costs of the following permit program activities:

- (1) Preparing rules, regulations, and guidance regarding implementation and enforcement of the program.
- (2) Reviewing and acting on the following:
  - (A) An application for an operating permit.
  - (B) An operating permit revision.
  - (C) An operating permit renewal.
- (3) The general administrative cost of running the operating permit program.
- (4) Implementing and enforcing the terms of a permit granted under the operating permit program. However, court costs for enforcement actions are not included under this subdivision.
- (5) Emissions and ambient monitoring.
- (6) Modeling analyses and demonstrations.
- (7) Preparing inventories and tracking emissions.
- (8) Developing and administering a small business stationary source technical and environmental compliance assistance program.

SECTION 123. IC 13-17-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~air pollution control~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9** to establish categories of sources or facilities that may be effectively restricted through specific requirements established by the rules to emit less than the amount of air pollutants for which a Title V air operating permit is required.

SECTION 124. IC 13-18-1 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Establishment of Water Pollution Control Board).

SECTION 125. IC 13-18-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~water pollution control~~ board shall adopt rules for the control and prevention of pollution in waters of Indiana with any substance:

- (1) that is deleterious to:
  - (A) the public health; or
  - (B) the prosecution of any industry or lawful occupation; or
- (2) by which:
  - (A) any fish life or any beneficial animal or vegetable life may be destroyed; or



(B) the growth or propagation of fish life or beneficial animal or vegetable life is prevented or injuriously affected.

SECTION 126. IC 13-18-3-3 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. ~~Sec. 3: The board shall develop operating policies governing the implementation of the water pollution control laws by the department.~~

SECTION 127. IC 13-18-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 12. The ~~water pollution control~~ board shall adopt rules providing that whenever a person submits plans to a unit concerning the design or construction of:

- (1) a sanitary sewer or public water main, if:
  - (A) a professional engineer who is registered under IC 25-31 prepared the plans;
  - (B) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and
  - (C) all other requirements specified in rules adopted by the water pollution control board are met; or
- (2) a sanitary sewer extension for and within a subdivision, if:
  - (A) a qualified land surveyor who is registered under IC 25-21.5 prepared the plans;
  - (B) the subdivision is being laid out or having been laid out by the land surveyor subject to IC 25-21.5-7;
  - (C) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and
  - (D) all other requirements specified in rules adopted by the ~~water pollution control~~ board are met;

the plans are not required to be submitted to any state agency for a permit, permission, or review, unless required by federal law.

SECTION 128. IC 13-18-11-1.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1.5. The ~~department~~ **board** shall adopt regulations to implement certification programs for operators of water treatment plants or water distribution systems. The certification program for the operators shall be classified in accordance with the complexity, size, and source of the water for the treatment system and the complexity and size for the distribution system.

SECTION 129. IC 13-18-12-1, AS AMENDED BY P.L.159-2011, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~water pollution control~~ board and the department shall regulate persons who provide septage management services.

SECTION 130. IC 13-18-12-2.5, AS ADDED BY P.L.223-2011,



SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2.5. (a) The department and the ~~boards~~ **board** may allow a person to use industrial waste products in a land application operation or as ingredients in a soil amendment or soil substitute to be land applied if:

- (1) the industrial waste products are not hazardous wastes;
  - (2) the industrial waste products:
    - (A) have a beneficial use (as defined in 327 IAC 6.1-2-6); or
    - (B) otherwise provide a benefit to the process of creating the soil amendments or soil substitute or to the final soil amendment, soil substitute, or material to be land applied, such as bulking;
  - (3) the finished soil amendment, soil substitute, or material to be land applied satisfies the applicable criteria in 327 IAC 6.1;
  - (4) the finished soil amendment, soil substitute, or material to be land applied has a beneficial use;
  - (5) the requirements of subsection (b) are satisfied; and
  - (6) the person pays a permit fee in an amount determined by the department that does not exceed the costs incurred by the department to issue the permit.
- (b) The department:
- (1) may allow the use of industrial waste products:
    - (A) in a land application operation; or
    - (B) as ingredients in a soil amendment or soil substitute to be land applied;
 on the same basis as other materials under the rules concerning land application and marketing and distribution permits;
  - (2) may not:
    - (A) discriminate against the use of industrial waste products on the basis that the industrial waste products lack biological carbon;
    - (B) impose requirements beyond applicable criteria in 327 IAC 6.1, unless additional requirements are necessary for the protection of human health and the environment;
    - (C) require that the finished soil amendment, soil substitute, or material to be land applied must be of a particular economic value; or
    - (D) for any pollutant that has a pollutant limit or concentration in 327 IAC 6.1, require that an industrial waste product or the finished soil amendment, soil substitute, or material to be land applied satisfies:
      - (i) the department's risk integrated system of closures

C  
o  
p  
y



nonrule policy document; or

(ii) any other standards other than criteria in 327 IAC 6.1;  
and

(3) for any pollutant present in the industrial waste products that does not have a pollutant limit or concentration in 327 IAC 6.1, shall consider the benefits of the finished soil amendment, soil substitute, or material to be land applied as compared to the measurable risks to human health and the environment based on the anticipated use of the finished soil amendment, soil substitute, or material to be land applied; and

(4) shall require an application for a permit for the land application of industrial waste products to include characterization of individual industrial waste products at the point of waste generation before mixing the waste streams.

(c) The board may adopt rules for pollutant limits or concentrations for pollutants for which limits or concentrations do not exist in 327 IAC 6.1 as of July 1, 2011.

SECTION 131. IC 13-19-2 IS REPEALED [EFFECTIVE JANUARY 1, 2013]. (Establishment of Solid Waste Management Board).

SECTION 132. IC 13-19-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management~~ board shall do the following:

(1) Except as provided in sections 3 through 4 of this chapter, adopt rules under IC 4-22-2 **and IC 13-14-9** to regulate solid and hazardous waste and atomic radiation in Indiana, including rules necessary to the implementation of the federal Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended.

(2) Develop operating policy concerning the activities of the department.

(3) Carry out other duties imposed by law.

SECTION 133. IC 13-19-3-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The department and the ~~boards~~ **board** shall allow a person to use foundry sand that meets Type III criteria under 329 IAC 10-9 for the following activities in accordance with guidance without requiring the person to obtain any permits from the department:

(1) As a daily cover for litter and vermin control at a landfill in accordance with any applicable permits issued for the landfill.

(2) As a protective cover for a landfill leachate system in accordance with any applicable permits issued for the landfill.



(3) For use as capped embankments for ground and sight barriers under ten thousand (10,000) cubic yards or embankments for airports, bridges, or overpasses.

(4) For use:

- (A) in a land application operation; or
- (B) as a soil amendment;

if the application or amendment does not include the operation of a landfill.

(5) As a structural fill base capped by clay, asphalt, or concrete for the following:

- (A) Roads.
- (B) Road shoulders.
- (C) Parking lots.
- (D) Floor slabs.
- (E) Utility trenches.
- (F) Bridge abutments.
- (G) Tanks and vaults.
- (H) Construction or architectural fill.
- (I) Other similar uses.

(6) As a raw material constituent incorporated into another product, including the following:

- (A) Flowable fill.
- (B) Concrete.
- (C) Asphalt.
- (D) Brick.
- (E) Block.
- (F) Portland cement.
- (G) Glass.
- (H) Roofing materials.
- (I) Rock wool.
- (J) Plastics.
- (K) Fiberglass.
- (L) Mineral wool.
- (M) Lightweight aggregate.
- (N) Paint.
- (O) Plaster.
- (P) Other similar products.

SECTION 134. IC 13-19-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. The board may adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter.

SECTION 135. IC 13-20-1-5 IS AMENDED TO READ AS

**HEA 1002 — Concur+**



C  
o  
p  
y



FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 136. IC 13-20-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~solid waste management~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter.

SECTION 137. IC 13-20-3-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. The board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 138. IC 13-20-6-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. (a) The department shall establish a uniform transfer station inspection program to protect the health of the residents of Indiana and the environment of Indiana:

(1) for transfer stations located:

(A) inside Indiana; and

(B) outside Indiana;

that receive municipal waste and that engage in waste transfer activities; and

(2) under rules adopted by the ~~solid waste management~~ board.

(b) The ~~solid waste management~~ board shall establish fees payable by the transfer stations inspected. The amount of a fee imposed for the inspection of a transfer station may not exceed the cost of time and materials directly expended by:

(1) the department; or

(2) a contractor hired by the department;

for conducting the inspection of the transfer station.

SECTION 139. IC 13-20-8-1, AS AMENDED BY SEA 131-2012, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 and IC 13-14-9 to regulate the construction and operation of incinerators under IC 13-14-8. The rules must incorporate by reference pertinent rules adopted by the ~~air pollution control~~ board **concerning air pollution control**.

SECTION 140. IC 13-20-8-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 5. (a) The department, in accordance with IC 13-15, shall operate a permit program for all incinerators subject to regulation under the rules of the ~~air pollution control board and the solid waste management~~ board.

(b) The department shall issue permits for an incinerator that is in compliance with construction and operating rules adopted by the ~~solid~~

C  
o  
p  
y



~~waste management board and the air pollution control board.~~

(c) The department shall grant operating authority under a permit issued by the department only after the owner of the incinerator has:

- (1) complied with all construction and pre-operational standards established by pertinent rules; and
- (2) submitted the results of a pre-operational emissions test that demonstrate that the incinerator's performance complies with all pertinent rules.

(d) The pre-operational emissions test required by this section shall be conducted under the supervision of the department. In addition, the report of the results of the pre-operational emissions test must contain a certification that the test was performed in compliance with the following:

- (1) All pertinent rules.
- (2) The pre-operational emissions test plan submitted with the permit application.

SECTION 141. IC 13-20-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. The ~~solid waste management~~ board may adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 142. IC 13-20-10-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. To register a composting facility for vegetative matter with the department, a person must submit an application to the department that contains the following:

- (1) A:
  - (A) legal description; and
  - (B) topographic map;
 

of the site on which the composting facility will be located.
- (2) A description of the composting facility that indicates the area to be served by the composting operation.
- (3) An estimate of the volume of materials that will be processed annually by the composting facility.
- (4) Any other information that the department or the ~~solid waste management~~ board requires by rule.

SECTION 143. IC 13-20-10-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 10. The board may adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter.

SECTION 144. IC 13-20-13-9, AS AMENDED BY P.L.204-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9. (a) The department may use money in the

C  
o  
p  
y



fund to assist the department in:

- (1) removing waste tires from sites where waste tires have been disposed of improperly;
- (2) properly managing waste tires;
- (3) performing surveillance and enforcement activities used to implement proper waste tire management; and
- (4) conducting the waste tire education program under section 15 of this chapter.

(b) The department may use money in the fund to provide grants and loans to entities to establish and operate programs involving the following:

- (1) Recycling or reuse of waste tires.
- (2) Using waste tires as a source of fuel.
- (3) Developing markets for waste tires and products containing recycled or reused waste tires.

(c) The ~~department~~ **board** may adopt rules under IC 4-22-2 and **IC 13-14-9** necessary to implement this section.

SECTION 145. IC 13-20-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Except as provided in:

- (1) rules adopted under subsection (d); and
- (2) section 10 of this chapter;

a whole waste tire may not be disposed of at a solid waste landfill.

(b) The department may approve shredded or ground up tires for use as daily cover for a solid waste landfill.

(c) Material approved under subsection (b) is exempt from IC 13-20-22 and IC 13-21-13.

(d) The ~~solid waste management~~ board shall adopt rules that allow for the incidental disposal of small amounts of whole waste tires at solid waste landfills.

(e) The rules adopted under subsection (d) may allow a landfill operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (d) in lieu of a numeric standard.

SECTION 146. IC 13-20-14-6, AS AMENDED BY SEA 131-2012, SECION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 and IC 13-14-9 to implement this chapter.

SECTION 147. IC 13-20-14-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 9.5. (a) Except as provided in rules adopted under subsection (c), an operator of a transfer station shall remove whole waste tires present in solid waste that is

C  
o  
p  
y



being transferred from a vehicle or container to another vehicle or container at the transfer station.

(b) Whole waste tires removed by an operator of a transfer station under subsection (a) shall be disposed of as provided in this chapter.

(c) The ~~solid waste management~~ board shall adopt rules that allow for the incidental transfer of small amounts of whole waste tires under subsection (a).

(d) The rules adopted under subsection (c) may allow a transfer station operator to meet the requirements of the rule by employing procedures designed to achieve the objectives of subsection (c) in lieu of a numeric standard.

SECTION 148. IC 13-20-15-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. The ~~solid waste management board~~ **department** shall administer and implement this chapter to protect the public health, safety, and welfare from the toxic effects and environmental dangers of PCB. The board shall adopt the rules required by this chapter under IC 4-22-2 **and IC 13-14-9**.

SECTION 149. IC 13-22-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 2. The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** to implement this chapter through IC 13-22-8, IC 13-22-11.5, and IC 13-22-13 through IC 13-22-14.

SECTION 150. IC 13-22-2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 6. The board shall do the following:

- (1) Adopt rules under IC 4-22-2 **and IC 13-14-9** setting standards for closure and postclosure monitoring and maintenance plans.
- (2) Include in the rules a requirement for prior notice of closure and a time limit for completion of closure.

SECTION 151. IC 13-22-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The board shall adopt rules under IC 4-22-2 **and IC 13-14-9** setting standards for corrective action for all releases of hazardous waste or constituents from any solid waste management unit at a hazardous waste facility. The standards must require that corrective action be taken beyond the facility boundary where necessary to protect human health and the environment, unless the owner or operator of the facility concerned demonstrates to the satisfaction of the commissioner that, despite the best efforts of the owner or operator, the owner or operator is unable to obtain the necessary permission to undertake that action. The rules adopted under this section apply to the following:

- (1) All facilities operating under permits issued under IC 13-22-3



or IC 13-7-8.5 (before its repeal).

(2) All landfills, surface impoundments, and waste piles, including any new units, replacements of existing units, and lateral expansions of existing units, that receive hazardous waste after July 26, 1982.

SECTION 152. IC 13-22-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The ~~solid waste management~~ board shall adopt rules under IC 4-22-2 **and IC 13-14-9** on standards of financial responsibility for the following:

- (1) Closure.
- (2) Postclosure monitoring at hazardous waste facilities.
- (3) Any required corrective action at those facilities.

(b) The rules adopted under this section must reflect the provisions for financial responsibility prescribed by section 2 of this chapter.

SECTION 153. IC 13-23-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) The department shall establish and operate an underground storage tank release detection, prevention, and correction program under this article according to rules adopted by the ~~solid waste management~~ board.

(b) The department may contract with another state agency to jointly operate the program under a memorandum of agreement that:

- (1) may be amended;
- (2) must contain the specific duties of the department and the contracting agency; and
- (3) is available to the public for inspection.

SECTION 154. IC 13-25-4-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~solid waste management~~ board shall adopt rules establishing criteria for determining the commissioner's priorities in selecting hazardous substance response sites. Until these rules have been adopted, the commissioner shall give priority to those sites presenting a significant threat to public health and environment.

SECTION 155. IC 13-27-8-3, AS ADDED BY P.L.100-2006, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. (a) The following **boards** may adopt rules to implement this chapter to the extent consistent with federal law:

- (1) The ~~boards.~~ **board.**
- (2) The underground storage tank financial assurance board established by IC 13-23-11-1.

(b) The rules adopted ~~by the entities~~ under subsection (a) may establish the following:

- (1) Eligibility requirements for participation in environmental

C  
o  
p  
y



performance based programs.

(2) Compliance methods and schedules that:

(A) differ from compliance methods and schedules that apply to nonparticipants in environmental performance based programs under rules adopted by the boards;

(B) apply only to participants in environmental performance based programs; and

(C) include any of the following:

(i) Changes to monitoring and reporting requirements and schedules.

(ii) Streamlined submission requirements for permit renewals.

(iii) Prioritized applications.

(iv) Authorization to make without prior governmental approval certain operational changes that do not result in additional environmental impact.

(3) Recognition incentives to encourage participation in environmental performance based programs.

(4) Other incentives consistent with the policies of this title and federal law to encourage participation in environmental performance based programs.

(5) Requirements for participants in environmental performance based programs to implement any of the following:

(A) Continuous improvement environmental systems.

(B) Pollution prevention and waste minimization programs developed under IC 13-27-7.

SECTION 156. IC 13-28-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 3. ~~Each of the regulatory boards within the department~~ **The board** may adopt rules under IC 4-22-2 **and IC 13-14-9** as required to implement the compliance program described in this article.

SECTION 157. IC 13-29-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 13. The ~~solid waste management~~ board shall adopt under IC 4-22-2 **and IC 13-14-9** the rules necessary to implement this chapter.

SECTION 158. IC 13-30-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. A person may not do any of the following:

(1) Discharge, emit, cause, allow, or threaten to discharge, emit, cause, or allow any contaminant or waste, including any noxious odor, either alone or in combination with contaminants from other sources, into:

C  
o  
p  
y



- (A) the environment; or
  - (B) any publicly owned treatment works;
- in any form that causes or would cause pollution that violates or would violate rules, standards, or discharge or emission requirements adopted by the ~~appropriate~~ board under the environmental management laws.
- (2) Increase the quantity or strength of a discharge of contaminants into the waters or construct or install a sewer or sewage treatment facility or a new outlet for contaminants into the waters of Indiana without prior approval of the department.
  - (3) Deposit any contaminants upon the land in a place and manner that creates or would create a pollution hazard that violates or would violate a rule adopted by ~~one (1) of the boards:~~ **board**.
  - (4) Deposit or cause or allow the deposit of any contaminants or solid waste upon the land, except through the use of sanitary landfills, incineration, composting, garbage grinding, or another method acceptable to the ~~solid waste management~~ board.
  - (5) Dump or cause or allow the open dumping of garbage or of any other solid waste in violation of rules adopted by the ~~solid waste management~~ board.
  - (6) Dispose of solid waste in, upon, or within the limits of or adjacent to a public highway, state park, state nature preserve, or recreation area or in or immediately adjacent to a lake or stream, except:
    - (A) in proper containers provided for sanitary storage of the solid waste; or
    - (B) as a part of a sanitary landfill operation or other land disposal method approved by the department.
  - (7) Construct, install, operate, conduct, or modify, without prior approval of the department, any equipment or facility of any type that may:
    - (A) cause or contribute to pollution; or
    - (B) be designed to prevent pollution.
- However, the commissioner or the ~~appropriate~~ board may approve experimental uses of any equipment, facility, or pollution control device that is considered necessary for the further development of the state of the art of pollution control.
- (8) Conduct any salvage operation or open dump by open burning or burn, cause, or allow the burning of any solid waste in a manner that violates either:
    - (A) the air pollution control laws; or
    - (B) the rules adopted by the ~~air pollution control~~ board.



(9) Commence construction of a proposed hazardous waste facility without having first:

- (A) filed an application for; and
- (B) received;

a permit from the department.

(10) Commence or engage in the operation of a hazardous waste facility without having first obtained a permit from the department.

(11) Deliver any hazardous waste to a hazardous waste facility that:

- (A) is not approved; or
- (B) does not hold a permit from the department.

(12) Cause or allow the transportation of a hazardous waste without a manifest if a manifest is required by law.

(13) Violate any:

- (A) condition;
- (B) limitation; or
- (C) stipulation;

placed upon a certificate of environmental compatibility by the hazardous waste facility site approval authority or any other provision of IC 13-22-10.

(14) Apply or allow the application of used oil to any ground surface, except for purposes of treatment in accordance with a permit issued by the department under any of the following:

- (A) IC 13-15, except IC 13-15-9.
- (B) IC 13-17-11.
- (C) IC 13-18-18.
- (D) IC 13-20-1.

(15) Commence construction of a solid waste incinerator without first obtaining a permit from the department under IC 13-20-8.

(16) Commence operation of a solid waste incinerator without first obtaining the approval of the department under IC 13-20-8.

SECTION 159. IC 13-30-3-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 11. An order of the commissioner under this chapter may do any of the following:

(1) Include a direction to cease and desist from violations of the following:

- (A) Environmental management laws.
- (B) Air pollution control laws.
- (C) Water pollution control laws.
- (D) A rule adopted by ~~one (1) of the boards~~ **board**.
- (E) **A rule adopted by the underground storage tank**

C  
o  
p  
y





**financial assurance board created by IC 13-23-11-1.**

- (2) Impose monetary penalties in accordance with the following:
  - (A) Environmental management laws.
  - (B) Air pollution control laws.
  - (C) Water pollution control laws.
- (3) Mandate corrective action, including corrective action to be taken beyond the boundaries of the area owned or controlled by the person to whom the order is directed, to alleviate the violation.
- (4) Revoke a permit or condition or modify the terms of a permit.

SECTION 160. IC 13-30-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) Subject to IC 13-14-6 and except as provided in IC 13-23-14-2 and IC 13-23-14-3, a person who violates:

- (1) any provision of:
  - (A) environmental management laws;
  - (B) air pollution control laws;
  - (C) water pollution control laws;
  - (D) IC 13-18-14-1; ~~or~~
  - (E) a rule or standard adopted by ~~one (1) of the boards;~~ **board;**
 or
  - (F) **a rule or standard adopted by the underground storage tank financial assurance board created by IC 13-23-11-1;**

- (2) any determination, permit, or order made or issued by the commissioner under:
  - (A) environmental management laws or IC 13-7 (before its repeal);
  - (B) air pollution control laws or IC 13-1-1 (before its repeal);
 or
  - (C) water pollution control laws or IC 13-1-3 (before its repeal);

is liable for a civil penalty not to exceed twenty-five thousand dollars (\$25,000) per day of any violation.

- (b) The department may:
  - (1) recover the civil penalty described in subsection (a) in a civil action commenced in any court with jurisdiction; and
  - (2) request in the action that the person be enjoined from continuing the violation.

SECTION 161. IC 13-30-7-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 7. The ~~boards~~ **following** shall adopt rules under IC 4-22-2 **and IC 13-14-9** to administer this chapter:



**(1) The board.****(2) The underground storage tank financial assurance board created by IC 13-23-11-1.**

SECTION 162. IC 14-8-2-48, AS AMENDED BY P.L.197-2011, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 48. (a) "Commission", except as provided in ~~subsections (b) through (r)~~, **this section**, refers to the natural resources commission.

(b) "Commission", for purposes of IC 14-13-1, has the meaning set forth in IC 14-13-1-1.

(c) "Commission", for purposes of IC 14-13-2, has the meaning set forth in IC 14-13-2-2.

(d) "Commission", for purposes of IC 14-13-4, has the meaning set forth in IC 14-13-4-1.

(e) "Commission", for purposes of IC 14-13-5, has the meaning set forth in IC 14-13-5-1.

(f) "Commission", for purposes of IC 14-13-6, has the meaning set forth in IC 14-13-6-2.

(g) "Commission", for purposes of IC 14-14-1, has the meaning set forth in IC 14-14-1-3.

(h) "Commission", for purposes of IC 14-20-11, has the meaning set forth in IC 14-20-11-1.

~~(i) "Commission", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-1.~~

~~(j) "Commission", for purposes of IC 14-25-11, has the meaning set forth in IC 14-25-11-1.~~

~~(k) (i) "Commission", for purposes of IC 14-28-4, has the meaning set forth in IC 14-28-4-1.~~

~~(l) (j) "Commission", for purposes of IC 14-30-1, has the meaning set forth in IC 14-30-1-2.~~

~~(m) (k) "Commission", for purposes of IC 14-30-2, has the meaning set forth in IC 14-30-2-2.~~

~~(n) (l) "Commission", for purposes of IC 14-30-3, has the meaning set forth in IC 14-30-3-2.~~

~~(o) (m) "Commission", for purposes of IC 14-30-4, has the meaning set forth in IC 14-30-4-2.~~

~~(p) (n) "Commission", for purposes of IC 14-33-20, has the meaning set forth in IC 14-33-20-2.~~

SECTION 163. IC 14-8-2-84 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 84: "Eligible entity", for purposes of IC 14-25-11, has the meaning set forth in IC 14-25-11-2.~~

SECTION 164. IC 14-8-2-107, AS AMENDED BY P.L.167-2011,



SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 107. "Fund" has the following meaning:

- (1) For purposes of IC 14-9-5, the meaning set forth in IC 14-9-5-1.
- (2) For purposes of IC 14-9-8-21, the meaning set forth in IC 14-9-8-21.
- (3) For purposes of IC 14-9-8-21.5, the meaning set forth in IC 14-9-8-21.5.
- (4) For purposes of IC 14-9-9, the meaning set forth in IC 14-9-9-3.
- (5) For purposes of IC 14-12-1, the meaning set forth in IC 14-12-1-1.
- (6) For purposes of IC 14-12-2, the meaning set forth in IC 14-12-2-2.
- (7) For purposes of IC 14-12-3, the meaning set forth in IC 14-12-3-2.
- (8) For purposes of IC 14-13-1, the meaning set forth in IC 14-13-1-2.
- (9) For purposes of IC 14-13-2, the meaning set forth in IC 14-13-2-3.
- (10) For purposes of IC 14-16-1, the meaning set forth in IC 14-16-1-30.
- (11) For purposes of IC 14-19-8, the meaning set forth in IC 14-19-8-1.
- (12) For purposes of IC 14-20-11, the meaning set forth in IC 14-20-11-2.
- ~~(13) For purposes of IC 14-21-4, the meaning set forth in IC 14-21-4-10.~~
- ~~(14)~~ (13) For purposes of IC 14-22-3, the meaning set forth in IC 14-22-3-1.
- ~~(15)~~ (14) For purposes of IC 14-22-4, the meaning set forth in IC 14-22-4-1.
- ~~(16)~~ (15) For purposes of IC 14-22-5, the meaning set forth in IC 14-22-5-1.
- ~~(17)~~ (16) For purposes of IC 14-22-8, the meaning set forth in IC 14-22-8-1.
- ~~(18)~~ (17) For purposes of IC 14-22-34, the meaning set forth in IC 14-22-34-2.
- ~~(19)~~ (18) For purposes of IC 14-23-3, the meaning set forth in IC 14-23-3-1.
- ~~(20)~~ (19) For purposes of IC 14-24-4.5, the meaning set forth in IC 14-24-4.5-2(5).



~~(21)~~ **(20)** For purposes of IC 14-25-2-4, the meaning set forth in IC 14-25-2-4.

~~(22)~~ **(21)** For purposes of IC 14-25-10, the meaning set forth in IC 14-25-10-1.

~~(23)~~ For purposes of ~~IC 14-25-11-19~~, the meaning set forth in ~~IC 14-25-11-19~~.

~~(24)~~ **(22)** For purposes of IC 14-25.5, the meaning set forth in IC 14-25.5-1-3.

~~(25)~~ **(23)** For purposes of IC 14-28-5, the meaning set forth in IC 14-28-5-2.

~~(26)~~ **(24)** For purposes of IC 14-31-2, the meaning set forth in IC 14-31-2-5.

~~(27)~~ **(25)** For purposes of IC 14-25-12, the meaning set forth in IC 14-25-12-1.

~~(28)~~ **(26)** For purposes of IC 14-32-8, the meaning set forth in IC 14-32-8-1.

~~(29)~~ **(27)** For purposes of IC 14-33-14, the meaning set forth in IC 14-33-14-3.

~~(30)~~ **(28)** For purposes of IC 14-33-21, the meaning set forth in IC 14-33-21-1.

~~(31)~~ **(29)** For purposes of IC 14-34-6-15, the meaning set forth in IC 14-34-6-15.

~~(32)~~ **(30)** For purposes of IC 14-34-14, the meaning set forth in IC 14-34-14-1.

~~(33)~~ **(31)** For purposes of IC 14-34-19-1.3, the meaning set forth in IC 14-34-19-1.3(a).

~~(34)~~ **(32)** For purposes of IC 14-34-19-1.5, the meaning set forth in IC 14-34-19-1.5(a).

~~(35)~~ **(33)** For purposes of IC 14-37-10, the meaning set forth in IC 14-37-10-1.

SECTION 165. IC 14-8-2-123.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 123.5: "Historic courthouse", for purposes of IC 14-21-4, has the meaning set forth in IC 14-21-4-2.~~

SECTION 166. IC 14-8-2-149 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 149: "Legislative body", for purposes of IC 14-25-11, has the meaning set forth in IC 14-25-11-3.~~

SECTION 167. IC 14-8-2-279.5 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 279.5: "Task force", for purposes of:~~

~~(1) IC 14-25-14, has the meaning set forth in IC 14-25-14-1; and~~

~~(2) IC 14-25-16, has the meaning set forth in IC 14-25-16-1.~~

SECTION 168. IC 14-9-6-2, AS AMENDED BY P.L.95-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

C  
o  
p  
y



JULY 1, 2012]: Sec. 2. (a) The advisory council consists of ~~twelve (12)~~ **seven (7)** members appointed by the governor. ~~with the terms of four (4) members expiring each year.~~

(b) Not more than ~~eight (8)~~ **four (4)** members may be of the same political party.

SECTION 169. IC 14-9-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. The term of a member of a council is three (3) years. **The terms must be staggered so that the terms of not more than three (3) members may expire in a year.**

SECTION 170. IC 14-9-6-6, AS AMENDED BY P.L.95-2006, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. The advisory council:

- (1) shall hold ~~at least one (1) regular meeting every two (2) months of the calendar year; and a meeting in January of each calendar year; and~~
- (2) may hold ~~special meetings that at the call of the chairperson. of the advisory council considers necessary and expedient.~~

SECTION 171. IC 14-9-6-7, AS AMENDED BY P.L.95-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. During the ~~first meeting in~~ **held in January of** each calendar year, the advisory council shall elect the following:

- (1) A chairperson and vice chairperson.
- (2) Any other officer needed to carry out the business of the advisory council.

SECTION 172. IC 14-10-2-5, AS AMENDED BY P.L.167-2011, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-17-3.
- (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (8) IC 14-19-1 and IC 14-19-8.
- (9) IC 14-21.
- (10) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- (11) IC 14-23-1.
- (12) IC 14-25, except IC 14-25-8-3 ~~IC 14-25-11;~~ and IC 14-25-13.



- (13) IC 14-26.
- (14) IC 14-27.
- (15) IC 14-28.
- (16) IC 14-29.
- (17) IC 14-35-1, IC 14-35-2, and IC 14-35-3.
- (18) IC 14-37.
- (19) IC 14-38, except IC 14-38-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the publisher of the Indiana Register.

SECTION 173. IC 14-21-1-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 25.5. (a) If a Native American Indian burial ground is discovered, the department shall immediately provide notice to the Native American Indian affairs commission established by ~~IC 4-4-31-4~~ **IC 4-23-32**.

(b) If Native American Indian human remains are removed from a burial ground, the department shall provide the following to the Native American Indian affairs commission:

- (1) Any written findings or reports that result from the analysis and study of the human remains.
- (2) Written notice to the Native American Indian affairs commission that the analysis and study of the human remains are complete.

(c) After receiving written notice under subsection (b)(2), the Native American Indian affairs commission shall make recommendations to the department regarding the final disposition of the Native American Indian human remains.

SECTION 174. IC 14-21-4 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Courthouse Preservation Advisory Commission).

SECTION 175. IC 14-25-11 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Rural Community Water Supply Systems).

SECTION 176. IC 14-25-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Water Shortage Task Force).

SECTION 177. IC 14-25-15-9, AS ADDED BY P.L.4-2008, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. Not later than ten (10) years after the compact takes effect under section 9.4 of the compact, the general assembly shall study and make findings and recommendations concerning the following:

- (1) The appropriateness of the permit threshold amounts established in section 7(a) of this chapter considering:
  - (A) advances made under section 1.4 of the compact;



~~(B) findings under IC 14-25-14; and~~

~~(C)~~ **(B)** other new water management technology and practices that become available.

(2) Any changes in those amounts that the general assembly deems warranted.

SECTION 178. IC 14-25-16 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Water Resources Task Force).

SECTION 179. IC 15-11-10 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Tobacco Farmers and Rural Community Impact Fund).

SECTION 180. IC 15-17-3-2, AS ADDED BY P.L.2-2008, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2. The board consists of eleven (11) members appointed by the governor as follows:

(1) One (1) member from the school of veterinary medicine of Purdue University upon the recommendation of the Purdue University board of trustees.

(2) Two (2) members, each of whom must:

(A) be a graduate of a veterinary college accredited by the American Veterinarian Medical Association and licensed and accredited to practice veterinary medicine and surgery in Indiana;

(B) have at least five (5) years experience in veterinary medicine; and

(C) actually be engaged in the general practice of veterinary medicine during the member's term on the board.

The members appointed under this subdivision may not belong to the same political party.

(3) Seven (7) members with the following qualifications:

(A) One (1) member must be engaged in poultry production.

(B) One (1) member must be engaged in dairying.

(C) One (1) member must be engaged in swine production.

(D) One (1) member must be engaged in beef-type cattle production.

(E) One (1) member must be engaged in horse production.

(F) One (1) member must be engaged in sheep production.

(G) One (1) member must be:

(i) engaged in small animal veterinary medical practice; and

(ii) a veterinarian licensed and accredited to practice veterinary medicine and surgery in Indiana who has been licensed and accredited for at least five (5) years.

The members appointed under clauses (A) through (F) must be producers of livestock or poultry who are engaged in livestock or

C  
o  
p  
y



poultry production during their service on the board. Not more than four (4) of the members appointed under this subdivision may belong to the same political party.

(4) One (1) member who **holds or** is affiliated with a ~~licensed livestock market~~ **an organization that holds any of the following issued by the board:**

(A) **A license issued under this article.**

(B) **A grant of inspection issued to a meat processing establishment under IC 15-17-5.**

(C) **A permit issued to a milk plant under IC 15-18-1.**

SECTION 181. IC 16-18-2-372 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 372. "Water board", for purposes of IC 16-41, refers to the ~~water pollution control~~ board established by ~~IC 13-18-1-1~~ **IC 13-13-8-3.**

SECTION 182. IC 16-20-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2013]: Sec. 1. (a) If a multiple county sewer, water, wastewater, or similar district has been established under IC 13-26 or IC 13-3-2 (before its repeal), the affected counties may by concurrent resolution of each county executive establish an area board of health for the sole purposes of administering and enforcing, consistent with environmental management laws (as defined in IC 13-11-2-71), all state and local environmental statutes, rules, and ordinances relative to the maintenance of a high quality environmental level in the district.

(b) Area boards of health created under this chapter have jurisdiction with the ~~boards identified in IC 13-11-2-18~~ **board established under IC 13-13-8** and the department of environmental management within the uniform inspection and enforcement area established under section 5 of this chapter.

SECTION 183. IC 16-41-37.5-2.5, AS ADDED BY P.L.168-2009, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 2.5. (a) Before July 1, 2010, the state department shall distribute a manual of best practices for managing indoor air quality at schools as described in this section. The state department may use a manual on indoor air quality in schools developed by a federal health or environmental agency or another state and make additions or revisions to the manual ~~with the input and advice of the air quality panel established by section 3 of this chapter~~, to make the manual most useful to Indiana schools. The state department shall provide the manual:

(1) to:

(A) the legislative council; and



C  
o  
p  
y



- (B) the department of education;  
in an electronic format under IC 5-14-6; and
- (2) to the facilities manager and superintendent of each school corporation.

(b) The department shall review and revise the manual developed under subsection (a) at least once every three (3) years to assure that the manual continues to represent best practices available to schools.

SECTION 184. IC 16-41-37.5-3 IS REPEALED [EFFECTIVE JULY 1, 2012]. Sec. 3: (a) The air quality panel is established to assist the state department in carrying out this chapter:

(b) The panel consists of the following members:

- (1) A representative of the state department; appointed by the commissioner of the state department.
- (2) A representative of the department of education; appointed by the state superintendent of public instruction.
- (3) A representative of the Indiana department of administration; appointed by the commissioner of the Indiana department of administration.
- (4) A member of the governing body of a school corporation; appointed by the state superintendent of public instruction.
- (5) A teacher licensed under IC 20-28-4 or IC 20-28-5; appointed by the governor.
- (6) A representative of a statewide parent organization; appointed by the state superintendent of public instruction.
- (7) A physician who has experience in indoor air quality issues; appointed by the commissioner of the state department.
- (8) An individual with training and experience in occupational safety and health; appointed by the commissioner of the department of labor.
- (9) A mechanical engineer with experience in building ventilation system design; appointed by the governor.
- (10) A building contractor with experience in air flow systems who is a member of a national association that specializes in air flow systems; appointed by the governor.
- (11) A member of a labor organization whose members install, service, evaluate, and balance heating, ventilation, and air conditioning equipment; appointed by the governor.
- (12) An individual with experience in the cleaning and maintenance of commercial facilities; appointed by the governor.

(c) The chairperson of the panel shall be the representative of the state department.

(d) The panel shall convene at least twice annually at the discretion

C  
o  
p  
y



of the chairperson:

(e) The state department shall post minutes of each meeting of the panel on the state department's web site not later than forty-five (45) days after the meeting:

(f) The state department shall provide administrative support for the panel:

(g) The panel shall:

(1) identify and make available to schools and state agencies best operating practices for indoor air quality;

(2) assist the state department in developing plans to improve air quality conditions found in inspections under section 2 of this chapter; and

(3) assist the state department in adopting rules under section 2 of this chapter:

(h) The state department shall prepare and make available to the public an annual report describing the panel's actions:

SECTION 185. IC 20-20-13-6, AS AMENDED BY P.L.182-2009(ss), SECTION 305, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) The Senator David C. Ford educational technology fund is established to extend educational technologies to elementary and secondary schools. The fund may be used for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) a school technology program developed by the department. The program may include grants to school corporations for the purchase of:

(A) equipment, hardware, and software;

(B) learning and teaching systems; and

(C) other materials;

that promote student learning, as determined by the department.

(3) providing educational technologies, including computers in

C  
o  
p  
y



the homes of students;

(4) conducting educational technology training for teachers; and

(5) other innovative educational technology programs.

(b) The department may also use money in the fund under contracts entered into with the office of technology established by IC 4-13.1-2-1 to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:

(1) Elementary and secondary schools.

(2) Postsecondary educational institutions.

(3) Career and technical educational centers and institutions that are not postsecondary educational institutions.

(4) Libraries.

(5) Any other agencies offering education and training programs.

(c) The fund consists of:

(1) state appropriations;

(2) private donations to the fund;

~~(3) money directed to the fund from the corporation for educational technology under IC 20-20-15; or~~

~~(4) (3)~~ any combination of the amounts described in subdivisions (1) through ~~(3)~~: **(2)**.

(d) The fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this chapter.

(f) Subject to section 7 of this chapter, a school corporation may use money from the school corporation's capital projects fund as permitted under IC 20-40-8 for educational technology equipment.

SECTION 186. IC 20-20-13-7, AS AMENDED BY P.L.2-2006, SECTION 82, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 7. (a) Notwithstanding any other law, a school corporation is not entitled to:

(1) receive any money under this chapter; ~~or IC 20-20-15;~~

(2) use money from the school corporation's capital projects fund for educational technology equipment under IC 20-40-8; or

(3) receive an advance from the common school fund for an educational technology program under IC 20-49-4;

unless the school corporation develops a three (3) year technology plan.

(b) Each technology plan must include at least the following information:

(1) A description of the school corporation's intent to integrate

C  
o  
p  
y



technology into the school corporation's curriculum.

(2) A plan for providing inservice training.

(3) A schedule for maintaining and replacing educational technology equipment.

(4) A description of the criteria used to select the appropriate educational technology equipment for the appropriate use.

(5) Other information requested by the department after consulting with the budget agency.

(c) The department shall develop guidelines concerning the development of technology plans. The guidelines developed under this subsection are subject to the approval of the governor.

SECTION 187. IC 20-20-13-8, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 8. Upon the approval of the governor and the budget agency, the department may use funds available under this chapter to provide or extend education technology to any school corporation for purposes described in this chapter. ~~The department (upon the approval of the governor and the budget agency) may direct funds under this chapter to the corporation for educational technology under IC 20-20-15 to further the corporation's purposes.~~

SECTION 188. IC 20-20-13-9, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 9. (a) This section applies to the 4R's technology program described in section 6(a)(1) of this chapter.

(b) In addition to any other funds available under this chapter, if state funds are transferred under IC 20-32-5-19 to the 4R's technology program:

(1) those funds do not revert to the state general fund;

(2) those funds shall be made available to the 4R's technology program under this chapter; and

(3) the department, upon approval by the governor and the budget agency, shall use those funds to award grants under this section.

(c) To be eligible to receive a grant under the program, a school corporation must comply with the following:

(1) The school corporation must apply to the department for a grant on behalf of a school within the school corporation to purchase technology equipment.

(2) The school corporation must certify the following:

(A) That the school will provide every kindergarten and grade 1 student at that school the opportunity to learn reading, writing, and arithmetic using technology.

(B) That the school will provide daily before or after school

C  
o  
p  
y



technology laboratories for students in grades 1 through 3 who have been identified as needing remediation in reading, writing, or arithmetic.

(C) That the school will provide additional technology opportunities, that may include Saturday sessions, for students in other grade levels to use the technology laboratories for remediation in reading, writing, arithmetic, or mathematics.

(D) That the school will provide technology opportunities to students that attend remediation programs under IC 20-32-8 (if the school corporation is required to do so) or any other additional summer programs.

(E) That the school corporation, either through its own or the school's initiative, ~~or through donations made to the corporation for educational technology under IC 20-20-15 on behalf of the school corporation~~, is able to provide a part of the costs attributable to purchasing the necessary technology equipment.

(3) The school corporation must include in the application the sources of and the amount of money secured under subdivision (2)(E).

(4) The school corporation or the school must:

- (A) provide teacher training services; or
- (B) use vendor provided teacher training services.

(5) The school corporation must give primary consideration to the purchase of technology equipment that includes teacher training services.

(6) The teachers who will be using the technology equipment must support the initiative described in this chapter.

(d) Upon review of the applications by the department, the satisfaction of the requirements set forth in subsection (c), and subject to the availability of funds for this purpose, the department shall award to each eligible school corporation a grant to purchase technology equipment under section 6(a)(1) of this chapter.

(e) The department shall monitor the compliance by the school corporations receiving grants of the matters cited in subsection (c).

SECTION 189. IC 20-20-13-15, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 15. A school corporation qualifies for a technology plan grant under sections 13 through 24 of this chapter when the technology plan of the school corporation developed under section 7 of this chapter is approved by the department. For purposes of determining whether a school corporation qualifies for a grant under

C  
o  
p  
y



sections 13 through 24 of this chapter, the department shall:

- (1) review;
- (2) suggest changes;
- (3) approve; or
- (4) reject;

a school corporation's technology plan. ~~However, before the department may approve a technology plan, the department must consult with the corporation for educational technology established by IC 20-20-15-3 on the contents of the technology plan.~~

SECTION 190. IC 20-20-13-17, AS ADDED BY P.L.1-2005, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 17. The total technology plan grant amount to a qualifying school corporation is the amount determined by the department ~~with advice from the educational technology council established by IC 20-20-14-2~~, multiplied by the school corporation's ADM. The amount is one hundred dollars (\$100). However, for the purposes of determining the ADM of a school corporation, students who are transferred under IC 20-33-4 or IC 20-26-11 shall be counted as students having legal settlement in the transferee corporation and not having legal settlement in the transferor corporation.

SECTION 191. IC 20-20-14 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Educational Technology Council).

SECTION 192. IC 20-20-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Corporation for Educational Technology).

SECTION 193. IC 20-40-8-18 IS REPEALED [EFFECTIVE JULY 1, 2012]. ~~Sec. 18. Money in the fund may be used to carry out a plan developed under IC 16-41-37.5.~~

SECTION 194. IC 20-40-15-6, AS ADDED BY P.L.2-2006, SECTION 163, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 6. (a) Before February 15 of each year, each school corporation shall file a report with the state superintendent's special assistant for technology.

(b) A report filed under this section must:

- (1) be prepared in the form prescribed by the special assistant for technology; and
- (2) include a list of expenditures made by the school corporation during the preceding calendar year from the school corporation's:
  - (A) fund for purposes described in this chapter;
  - (B) capital projects fund for purposes described in IC 20-40-8-13; and
  - (C) debt service fund to provide financing for any equipment or facilities used to provide educational technology programs.



(c) Before April 1 of each year, the special assistant for technology shall

(1) compile the information contained in the reports filed under this section. ~~and~~

(2) ~~present that compilation to the educational technology council.~~

SECTION 195. IC 22-4.1-15 IS REPEALED [EFFECTIVE JULY 1, 2012]. (Building and Trades Advisory Committee).

SECTION 196. [EFFECTIVE UPON PASSAGE] (a) For purposes of this SECTION, "corporation" means the Indiana health informatics corporation established under IC 5-31 before its repeal by this act.

(b) Any assets and obligations of the corporation are transferred to the office of the secretary of family and social services on June 30, 2012.

(c) This SECTION expires December 31, 2012.

SECTION 197. [EFFECTIVE JULY 1, 2012] (a) For purposes of this SECTION, "commission" refers to the civil rights commission created by IC 22-9-1-4.

(b) On July 1, 2012, any appropriation for the fiscal year beginning July 1, 2012, and ending June 30, 2013, made to:

(1) the family and social services administration for the commission on the social status of black males in P.L.229-2011;

(2) the department of workforce development for the commission on Hispanic/Latino affairs in P.L.229-2011;

(3) the department of workforce development for the women's commission in P.L.229-2011; and

(4) the department of workforce development for the Native American Indian affairs commission in P.L.229-2011;

is transferred to the commission.

(c) This SECTION expires June 30, 2013.

SECTION 198. [EFFECTIVE JULY 1, 2012] (a) Any member of the commission on the social status of black males under IC 12-13-12, before its repeal by this act, is a member of the commission on the social status of black males under IC 4-23-31, as added by this act.

(b) Any member of the Native American Indian affairs commission under IC 4-4-31.4, before its repeal by this act, is a member of the Native American Indian affairs commission under IC 4-23-32, as added by this act.

(c) This SECTION expires December 31, 2013.



C  
o  
p  
y

**SECTION 199. An emergency is declared for this act.**

C  
o  
p  
y





\_\_\_\_\_  
Speaker of the House of Representatives

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
President Pro Tempore

\_\_\_\_\_  
Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

C  
o  
p  
y

**HEA 1002 — Concur+**

